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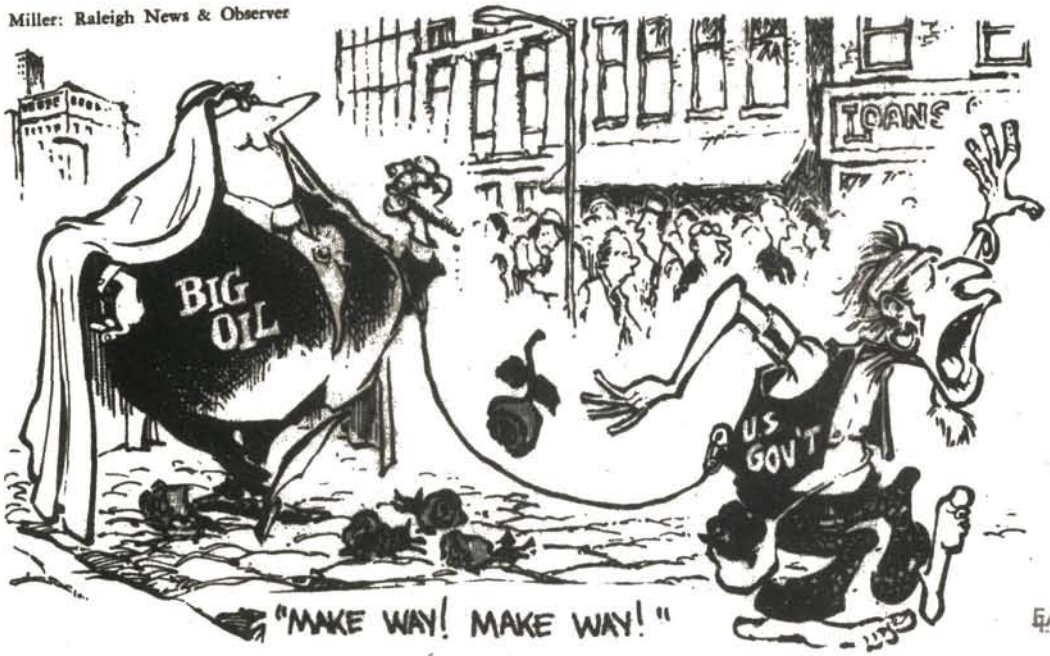

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THE PUMPS OF PRIVILEGE: BIG OIL AND THE NIXON CAMPAIGN

Rep. Les Aspin

Ma Bell: The Money Machine

Jerry W. Finefrock

VIETNAM IN ARABIA? NEW WAR IN THE OFFING

Sen. James Abourezk

MICHAEL FOOT'S *ANEURIN BEVAN*

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LETTERS

only by impeachment

North Bend, Ore.

DEAR SIRS: It is my considered judgment that Richard Nixon must be impeached. He must be impeached for reasons far more important than the "high crimes and misdemeanors" he may have committeed against the people of this nation. . . .

What is at issue is our personal and national integrity, both now and in the future. What is at issue is our personal faith in reason and intelligence as the essential elements in confronting any issue. What is at issue is our belief in and commitment to a nation founded on law as opposed to one founded on personal whim and manipulation.

Richard Nixon is not *any* citizen; he is the elected head of the executive branch of our government. . . . There is now a question as to whether or not he has been involved in wrongdoing. That question will not be answered by Congressional committees or Gallup polls. This nation, "under God, with liberty and justice for all" provides only one way of answering that question; namely, an impeachment proceeding. Until that proceeding takes place, it isn't Richard Nixon who is on trial. It is you and I who are on trial. And we will be judged. *Harold Bock*

letter to the junta

The following letter was addressed by Dr. Schatz to Gen. Augusto Pinochet and to several diplomatic and academic representatives of the present regime in Chile.

Philadelphia, Pa.

GENTLEMEN: It was a great honor for me to be appointed a Miembro Académico (Academic Member) of the University of Chile in 1965.

However, because of the military coup in Chile, I am resigning my title of Miembro Académico. When democracy and a respect for human rights are restored in Chile, I shall re-establish my relationship with the university.

Until that time, I shall not use my title of Miembro Académico, and I forbid you to associate my name with the University of Chile.

My self-respect and sense of human decency compel me to submit my resignation. This is my protest against a military dictatorship. It is also an expression of my respect for a democratically elected government that has been overthrown by force and violence; a democratically elected President who has been assassinated; the many people who have been imprisoned, tortured and executed; and the intellectual and academic freedom that has been destroyed by the military dictatorship.

Albert Schatz, Professor
College of Education, Temple University

(Albert Schatz has received honorary degrees from National University of San Antonio; Abad del Cuzco, Peru; Federal University of Espírito Santo, Brazil; University of Chile; University of Santo Domingo; University of Bogotá.)

oppression in Angola

Mayerthorpe, Alberta, Can.

DEAR SIRS: In your editorial on U.S. policy toward Europe ["A Policy in Tatters," Dec. 3] your comment on Portugal is that "its government is probably the most tyrannical in Europe and the most oppressive toward women." All true.

But what you did *not* say is that Portugal is probably the most brutal colonial power in today's brutal world. Its 75,000 well-armed troops in Angola suppress without mercy any and every attempt by the native people to

(Continued on page 212)

EDITORIALS

Watergate Postscript

It had to be a postscript because it did not belong in a State of the Union message. That it was a postscript, hence easily detachable, suggests that the President may not have been quite certain as he started his address whether he would include this "personal word." If so, the seeming warmth and friendliness of his reception encouraged him to use it, even though he hesitated a moment at the end as though still undecided. In fact, the reception had been, as Senator Inouye and others have since noted, quite unreal, even on television. A claque in the galleries applauded on signal, as did the rather edgy Republicans, with a few conspicuous exceptions (Senator Brooke for one). As for the rest, they behaved as the occasion dictated; that is, they were respectful and polite. But the situation got a bit out of hand, since once a round of applause started, the timid hesitated to be the first to cease clapping, even if their clapping was as tepid as they could make it. So Congress was polite but it was not wildly enthusiastic; nor was the President "confident" and "relaxed," as some commentators tried to make out. All agreed that he was heavily made up.

The postscript of course dominated the address, which one commentator termed "a bummer." A campaign speech, it was larded with applause lines, full of gross exaggeration and misleading statements; and in places it was downright comic. The President who wired the White House wants the nation to believe that he is seriously interested in protecting the right of privacy. With unemployment increasing, growth slackening and inflation soaring, he gravely assures us that there will be no recession, yet the authors of his Economic Report concede that the country is again in an inflationary recession. As might be expected, the stock market promptly dropped—again—and the financial pages carried stories of the disaffection of even such pro-Nixon backers and fund raisers of yesterday as Bernard J. Lasker, former chairman of the New York Stock Exchange. The President spoke of aid to mass transit only to have his proposals denounced as "a hoax" by the Institute for Public Transportation; even Republican Gov. Malcolm Wilson of New York joined in the outcry against these proposals. The President, looking, sounding and acting like the pitchman he is, assured his nationwide audience that we would break the back of the energy crisis this year, only to have one of his chief energy aides shy away from the statement the next day.

And so it went with most of the other points. As James Reston commented, the people were asking for integrity and he gave them statistics—phony statistics at that. But if he had tried to offer integrity he would have been no more convincing than when, the next day, he tried to inveigh against the sin of arrogance at a breakfast prayer meeting without confessing that he had at times been arrogant. What the President has going for him is the breakthrough in relations with China and Russia—and possibly Cuba in the near future—and Kissinger's active personal diplomacy in the Middle East.

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But that is not enough, as some believe, to constitute a "trump card." Indeed, it is a card that can itself be trumped. Relations with Western Europe are at a low point, and those with Japan have deteriorated. Trouble is brewing throughout Latin America and nothing much is being done about it. Relations with Canada, New Zealand and Australia have been permitted to fester and relations with Sweden go unrepaired. Perhaps worst of all from a long-range point of view, the Third World nations have been further alienated.

As to the postscript, it was a double bummer. Neither public, press nor Congress needed to be reminded by Senator Ervin that responsibility for any delay in bringing the Watergate investigation to an end rests solely and squarely with the President. Watergate is very much with us and it will not go away soon, no matter how strenuously the President seeks to exorcise its demons. And his carefully hedged promise to cooperate with the impeachment inquiry is, in view of his past record, as worthless as a plugged nickel. Meanwhile, the impeachment proceeding is moving ahead. A power of subpoena has been granted. If Nixon refuses to respond, it may not be possible for the courts to cite him for contempt, but his refusal can itself be cited as a ground of impeachment.

And Congress is now beginning to take a new and more realistic view of impeachment. It recognizes that the President is more isolated than ever; that once-trusted aides continue to depart without tears; that while some agencies manage to carry on, a general malaise is spreading throughout the federal service ("Government Agencies Struggle to Keep Going in Face of Watergate" was a recent headline in *The Wall Street Journal*). The President's approval rating now stands at 26 per cent, his credibility was never lower and tax time approaches. Congress cannot ignore these realities much longer. And it has finally begun to hear what the public has been trying to tell it these many weeks—don't ask us to decide; *you* decide. The public is not "the grand inquest of the nation": Congress is the jury. John K. Andrews, Jr., one of the latest White House aides to depart more in sorrow than in anger, states the issue clearly in *The New York Times*: "For once they [the people] want Capitol Hill to lead, not be led by, them—and any member of the House or Senate who thinks his duty to his constituents consists in mere puppetry to a timid public mood is a discredit to the representative process."

An editorial about a postscript can perhaps end with one. Murray Chotiner, whose death coincided with Nixon's address to Congress, was more responsible for the career of the President than any single person. It was Chotiner who taught Nixon, an apt pupil, what is called "hard-ball" politics. It was Chotiner who scripted and directed the campaigns against Jerry Voorhis and Helen Gahagan Douglas. It was Chotiner who encouraged Nixon's "gut fighter" instincts, his "overkill" propensities, his compulsion to regard opponents as "enemies." It was Chotiner who encouraged Nixon to "hang in there" at the time of the Checkers speech—one of the turning points in the President's career. Chotiner's view of politics is where the study of Nixon's politics should begin.

Eventually, Chotiner became an embarrassment; he had a tendency, as Nixon told Stewart Alsop, to get in-

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volved "in the kind of business that does not mix with politics"; and so he had to be kept at a discreet distance from the White House. But like Haldeman, Ehrlichman and Colson, Chotiner was one of the aides whom Nixon could not afford to repudiate; he knew too much. So it is historically apposite that Chotiner's death should have found Nixon trying to stave off political disaster by delivering still another Checkers-style speech. But much has happened since 1952 and the debased rhetoric and demagoguery of the Checkers speech are more obvious now than they were then, and by the same degree more offensive. Chotiner might have given his protégé better advice this time had he been consulted.

The Big Oil Slick

Sen. Frank Church's subcommittee on multinational corporations has turned up a piece of chicanery which, though it may be technically legal, beats the Teapot Dome scandal of the Harding administration. Secretary of the Interior Albert B. Fall was a piker. Nowadays no respectable operator would accept a bribe of $100,000. They deal in billions.

The full facts in the current operation, which goes back to the 1950s, have not yet been exposed, but the *Congressional Record* (Senate; pp. 774-788) contains enough data for preliminary comment. In a few words: for more than two decades and beginning in the administration of Harry Truman, the pockets of American taxpayers have been picked by means of a deal involving the international oil cartels, the National Security Council, the State Department and members of the Cabinet, all necessarily working with the knowledge of the President himself.

The *modus operandi* was for the oil interests to get together in utter secrecy with Cabinet-level people in the administration and their opposite numbers among the Arab oil potentates. At the American end, the oil cartels were urged to raise the royalties they paid the producing countries, the better to please the Arab princes, sheiks and dictators. These royalties were clearly a business expense, and theretofore had been treated as such by the Internal Revenue Service; i.e., they had been deducted from gross income. The new scheme permitted the oil companies to use the royalties they paid abroad to offset, dollar for dollar, their U.S. taxes. Thus, by a covert allowance not available to any other American industry, the oil interests received another bonanza, on top of their publicly known 22 per cent depletion allowance, which applies both to oil produced domestically and Arab oil—even when the latter is intended for sale abroad.

The figures are astonishing. In 1950 the Arabian American Oil Corporation (Aramco) paid U.S. federal taxes of $50 million. In 1951 their U.S. tax was $6 million. In 1950 Aramco paid Saudi Arabia $66 million, in 1951, $110 million. Thus, Senator Church points out, $44 million was transferred from the U.S. treasury to the Saudi treasury in that one year. And this has been going on ever since, for nearly a quarter of a century. In 1973, Senator Church says, the leading five American oil companies, Exxon, Texaco, Mobil, Standard Oil of California and Gulf, took in $4.5 billion abroad and paid practically no U.S. federal taxes. This massive tax switch, it should be noted, was effected by a mere "private ruling" of the Internal Revenue Service. Congress was never consulted and, needless to say, neither was the public. Indeed the ruling has been a carefully guarded secret these many years. Seldom in our history has so massive a transfer of funds from the public to the private sector been achieved with such ease or carried out in such secrecy. And it should be noted that the ruling came about as a result of the initiative of the State Department, not the oil companies.

The role of the Internal Revenue Service in this scheme is ambiguous. It went along with the oil interests, the State Department and the National Security Council. Since our government's figures on the oil companies' production, reserves, sales, etc., come almost entirely from the companies, the IRS plays mainly a passive role. During the late 1960s, IRS made an audit of the companies operating in the Persian Gulf and levied a deficiency assessment, reportedly in the neighborhood of $500 million, which was negotiated down to approximately $300 million. The difficulties of auditing oil company tax returns are said to be so great that no review has been attempted since.

As recent events have shown, the Arab oil producers have not been grateful for Uncle Sam's largesse. They not only benefited in income but American lawyers were dispatched to coach their officials in revising their tax laws to align with ours, lest some inquisitive House or Senate members should find a loophole and interfere with an arrangement so beneficial to all concerned—except, of course, the American home owner, motorist and taxpayer. At the same time, the Arabs realized that, if they could get that much, they could get more, so they put the bite on the oil cartels and imposed the current embargo. In effect, the National Security Council had apprised them of opportunities which they had been neglecting.

The Church subcommittee's investigation has not uncovered all the facts; there is undoubtedly more to be discovered, and the investigation should be pressed to its logical conclusion: if oil is that important, if U.S. foreign policy is in effect oil policy, should not public representatives sit on the board of directors of every major oil company? The alternative—nationalization—would be even more disagreeable to the companies.

Truck Strike

The welcome news of settlement of the week-long strike of 100,000 independent truckers should not be permitted to obscure the real danger that the strike posed. For if it had persisted, the President might have been tempted to see it as a national emergency and invoke some of the awesome powers at his disposal. Such action could have provided a timely diversion from Watergate and related problems. The provocation would have been no fiction, for the strike had spread rapidly from ten to forty-two states and was beginning to paralyze essential industries. Also violence had flared: there were shootings and several deaths. Truckers not on strike were demanding protection and communities were beginning to

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call for drastic action. Units of the National Guard had been called out in three states. Atty. Gen. William Saxbe had announced that the strikers "are not going to bring this country to its knees." Politically, the strike found Frank Fitzsimmons and the Teamsters opposing the truckers, James R. Hoffa supporting them—an ideal deployment of forces from the President's point of view. Here, then, was a situation which could have given Mr. Nixon a chance to invoke the emergency authority at his disposal in a splashy fashion, and with the prospect of winning, at least for the short term, widespread popular approval.

The strike should remind us that we live under some four national state of emergency declarations: that of 1933, of 1950 (Korea), the one issued in 1970 to avert a threatened postal strike, and 1971 declarations about wage and price controls. In addition, many federal statutes are available to supplement these declarations.

Fortunately, the temptation—if in fact the President was so tempted—has been removed for the moment, but the danger is still latent. The strike and its implications should be pondered in the context of the fact that we have lived under an unresolved state of national emergency since 1933, more particularly since 1950. It is not a comforting thought, because in these troubled and nervous times other situations not unlike that of the truckers may arise. Congress should give prompt attention to Senator Mathias' proposals, which would salvage what is valid and necessary from the maze of emergency decrees and proclamations, impose severe limitations and safeguards on the invocation of national emergency powers and then scrap the rest.

The Real Impasse

There have been indications that a new Watergate impasse has arisen in the form of a dispute between the Special Prosecutor and counsel for the House Judiciary Committee over the extent to which the former can make available to the latter evidence that has been or may be presented to the grand jury. In a recent speech at Stanford, former Atty. Gen. Elliot Richardson had some thoughts about the problem which did not receive the attention they merit. Mr. Richardson does "not find convincing" the argument that the limitation on grand jury evidence should prevent the Special Prosecutor from making available "significant findings" to the House inquiry. For one thing, he feels that a federal judge would have authority to order that such material be made available. But if this should prove not to be the case, then he suggests that the constitutional function of impeachment overrides the statutory restriction on disclosure of grand jury testimony. And if this contention is wrong, Congress could enact an amendment to the law which would permit the accessibility of the House committee and its staff to the information, since the restriction on disclosure is statutory in origin. "And finally . . . almost anything that has been presented to a grand jury can be available in some other way. There is no restriction, for example, on the right of a witness who has testified in a grand jury to make the same statement outside." Documents given a grand jury can likewise be examined elsewhere.

The only problem that Mr. Richardson sees has to do with the conditions under which the President has made available tapes or documents to the grand jury. As to that, a court, through judicial process of the kind Archibald Cox initiated, could settle the matter. Or, better still, the President might decide to make the material available to the House inquiry. It is getting "harder all the time," Mr. Richardson mused, "to figure out what the President might do to restore his credibility." But "full disclosure" is the first essential. This might be dramatized—a sly suggestion, this—by "hiring a moving van and having the White House legal staff shown loading it with files."

On the same lecture tour, this time speaking in Austin, Mr. Richardson pointed out that the President could be held accountable for the Watergate break-in and cover-up even if he was not aware of them. "The President, in theory, could be found culpable in the manner in which a corporate executive could be found culpable for things that he did not know about. But what grounds would justify what is culpable? That, if you put aside ordinary crimes, is the toughest problem facing the House." The six broad areas of inquiry recently designated by the staff of the House inquiry committee define these areas of possible culpability. At the moment, then, the real impasse would seem to be between the Special Prosecutor and the White House, since a variety of means exist by which his differences with the House committee can be solved.

A Program That Works

Legal aid, old style, has been around a long time—so long that it is no longer "controversial." Legal *services* for the poor did not begin on anything approaching an adequate scale until 1965. Contention raged about the program from its inception. In California, Governor Reagan made an all-out pitch to have it abolished. He lost, largely because the program had strong conservative support, from the American Bar Association in particular. Thereupon President Nixon put his principal right-wing hatchet man at the head of the Office of Economic Opportunity with instructions, apparently, to do away with adequate legal services for the poor.

That effort was initially successful, but last year the Senate and House began to consider a bill to set up a Legal Services Corporation and to keep the program alive. The measure was endlessly debated (see article by Peter Reid in this issue, p. 210). Not much money was involved—the Senate bill calls for funding the corporation in the amount of $71.5 million in fiscal 1974, $90 million in 1975, $100 million in 1976 and fiscal years thereafter. Why, then, was the measure fought as though it were the ultimate heresy—fought so energetically that in the last weeks of December 1973 it was killed by a threatened filibuster?

The answer is simple: Legal Services is the one anti-poverty program that has worked, and continues to work. It harnesses the energy and idealism of young lawyers by providing a framework for action. It serves only a small minority of the poor, mostly in states like New York and California, and it needs to be expanded. But it commits the cardinal sin of all efforts in the anti-

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poverty category—it is effective. It enables the traditionally helpless to gain their rights, and it might open the door for similar action in other areas.

Currently the Senate, with some slight aid from the Administration, has knocked down a second attempt to impose a filibuster. "There is no question," Senator Nelson said on the floor, "but that existing staff attorney programs, by all current estimations, are the most efficient programs available at present." He added that "at current levels of funding, legal services are being rendered to fewer than 25 per cent of the potential eligible clients at the lowest end of the poverty scale."

The Senators were convinced with some reservations, e.g., the Senate version gives the President power of appointment, subject to Senate approval. Nor does it provide adequate funds, but on the whole it is an acceptable bill. It now goes to conference with a House version which the Administration prefers because it includes more stringent limitations on the legal activities that federal anti-poverty attorneys can undertake. Even the more liberal Senate version contains a prohibition against legal service attorneys participating in any suit "arising out of a violation of the Selective Service Act or of desertion from the armed forces."

There is a point here of the utmost importance which citizens and the Congress should note for future reference. This program works because it enlists the energies of its clients. It encourages them to do something for themselves, without the assistance of an intervening—and often obstructing—bureaucracy.

Good Neighbor

Canada is a better neighbor to the United States than the United States is to Canada. No other conclusion can be drawn from the present status of the Great Lakes cleanup agreement signed during President Nixon's visit to Ottawa in April 1972.

The Great Lakes constitute the world's largest single reservoir of fresh water—20 per cent of the total. Except for Lake Michigan, which is entirely ours, they are the joint possession of Canada and the United States. The cleanest of the five are Superior and Huron. The dirtiest, as everybody knows by now, is Erie. But the impression that it is dead is erroneous. It still yields the biggest commercial fishing catch of all five, and it can be reclaimed. (See "Not Quite Dead: The Pathology of Lake Erie" by Quincy Dadisman, *The Nation*, April 17, 1972; "The Great Lakes Cleanup," *The Nation*, May 1, 1972, and a January 16th piece in *The Wall Street Journal* by Leonard Zehr.)

The Canadians are doing their part under the cleanup agreement; we are not. Canada has provided funds for nearly 75 per cent of its $250 million commitment, is operating sixteen new municipal sewage treatment plants and has extended or improved eighteen others. This country, which has by far the greater cleanup job to do, has appropriated funds for 115 projects or 21 per cent of the work it is supposed to do, but not one is yet operating. President Nixon has impounded much of the money appropriated by Congress—in fiscal 1974 out of $6 billion for water purification, the Environmental Protection Agency is using only $3 billion. The Great Lakes allocation is $450 million, but much of that is just budgeted, not being spent in construction. The pact is faulty in that respect: it requires only that sewage treatment plants be "under way" in 1975, and the EPA's Great Lakes coordinator says, somewhat disingenuously it would seem, "If a project has been financed by money not necessarily spent, that project can be considered to be under way."

One reason why Lake Erie is so dirty is that it absorbs the wastes of 12 million Americans, mostly from Detroit, Cleveland, Erie and Buffalo. The city of Niagara Falls pours 85 million gallons of raw sewage every day into the Niagara River just below the Falls, whence it is swept into Lake Ontario, 10 miles downstream. On the other side of the river, Niagara Falls, Ontario, treats and disinfects its sewage and uses it to produce hydroelectric power before releasing it into the river. It is only 7 million gallons per day, to be sure, but the Canadians are not only fewer but more circumspect.

Some progress has been made. As a result of crash programs in Ohio, Indiana, New York, Michigan and Ontario, phosphate discharges, attributable mainly to detergents, were reduced by almost 13,000 tons in the first year of the agreement. There have been other notable successes: at its South Works near Chicago, U.S. Steel is spending $23 million to treat and recycle about 95 per cent of the water it uses. But Washington should get going on the rest of the program; a pact is a pact and Canada is the best of good neighbors.

The Right to Understand

Bilingual education, its progress retarded the past few years by inadequate funding and recalcitrant school systems, has just been given a boost by the Supreme Court. In one of his increasingly rare appearances as the author of a unanimous civil rights decision, Justice William O. Douglas ruled that the rights of 1,800 non-English-speaking children of Chinese ancestry have been violated because the San Francisco school system does not provide them with compensatory instruction in English.

The decision in *Lau* v. *Nichols* applies broadly to all schools receiving federal funds whose rolls include non-English-speaking children. Although the Court does not specify a remedy, the probable effect of *Lau* will be to shake more money into the federal bilingual programs and to increase the number of state and locally supported projects, under pain of losing H.E.W. money.

Significantly for civil rights lawyers, Douglas ignored the constitutional arguments presented in *Lau* and relied heavily on the internal guidelines of H.E.W. According to Edward H. Steinman, principal attorney for *Lau*, confining the decision to H.E.W. statutes may be a "blessing," because it indicates that the Court may be receptive to other than purely constitutional arguments. Moreover, says Steinman, "*Lau* implies that [private individuals] can go to court and require H.E.W. to enforce its own guidelines." This case is the first of several based in part on H.E.W. statutes to reach the High Court, and the favorable decision may suggest a new roundabout path for civil rights in education, until now stymied on its way to the Court by a Constitution suddenly paved with eggs.

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MA BELL: THE MONEY MACHINE

JERRY W. FINEFROCK

Which American corporation is currently earning the most profits? General Motors? Standard Oil/Exxon? Ford, G.E., IBM? No, none of these. Today's top profit maker is the American Telephone and Telegraph Co.—the Bell System.

For 1972, AT&T reported after-tax profits of $2.53 billion, or $12.19 for every man, woman and child in the United States. That was an all-time high for profits of *any* corporation in U.S. or world history. Just how big is $2.53 billion? Add together the 1972 after-tax profits of U.S. Steel, DuPont, Chrysler, Westinghouse, Goodyear, RCA, Union Carbide, Bethlehem Steel, McDonnell Douglas, Greyhound, Firestone, Xerox and Shell Oil. The combined total is $2.51 billion—some $20 million short of the Bell System's 1972 reported profits. But if you think AT&T's profit picture is extraordinary now, see what Ma Bell has planned for the future.

AT&T has pending in various jurisdictions rate increase requests totaling nearly $2 billion per year. In its April 9, 1973 issue, *U.S. News & World Report* published an interview with AT&T board chairman John D. deButts. *U.S. News* asked, "Mr. deButts, there's a lot of talk around that the phone company is going to start raising its rates. Is that true?"

The answer from deButts: "Yes, and for a very good reason—the same reason that people have to pay more for everything else—because costs are going up." DeButts warned phone users to expect a rise in pay-phone rates from 10¢ to 20¢, and noted that the Bell System is initiating a charge for calls to the directory assistance ("information") operators. He also predicted that the installation charge for a residence phone will rise from the current $15 to "$30, $35 and $40" (it has already reached $30 in Miami).

The Bell System's latest annual report states that "in 1972, regulatory authorities in thirty-six jurisdictions authorized rate changes that will add approximately $700 million to Bell System annual revenues." And that $700 million did not include a $145 million-a-year rate hike granted by "the Federal Communications Commission in late November [1972]." Many of those rate hikes came too late to have much effect on Ma Bell's 1972 profits, but on February 4, AT&T announced 1973 profits of $2.99 billion, up 18.2 per cent from record-breaking 1972.

Just what is it that makes the telephone the source of all that profit? And how can the phone company be making so much money in a time when the quality of its service is being called more and more into question? Curiously, America's consumer advocates have left the phone company pretty much alone. Ralph Nader and his friends haven't investigated it; and most of the consumer groups that do complain about the situation limit themselves to the mere statement that "telephone rates are too high," and look no deeper.

To understand Ma Bell's money machine, one needs to know how telephone rates are regulated. American Telephone and Telegraph operates some 83 per cent of the phones in the United States, and its business is strung throughout forty-eight states (the Bell System has no telephones in Alaska or Hawaii, or in any foreign countries). But the name "AT&T" is used only by the corporate holding company—telephone customers are more familiar with the operating companies, many of whom use the word "Bell" in their names. AT&T owns all or the overwhelming majority of the stock in each of these firms.

Because the Bell System is a monopoly, the public's only protection against exorbitant telephone rates is governmental regulation. Unfortunately, this supervision is so diversified that one has difficulty placing the blame for excessive phone charges.

Most people know that the Federal Communications Commission is involved in telephone regulation, but the FCC has jurisdiction only over interstate phone rates. It has no power over, or interest in, local telephone services, or long-distance rates within a state. Yet that's where the money really is. Only one-fourth of the Bell System's revenues falls within the FCC's jurisdiction; the other three-fourths are supposed to be regulated by state commissions (every state has one, except Texas). These state public utility commissions and public service commissions (the names vary) have rarely done an effective job, and seem increasingly to favor AT&T.

In 1969, a bipartisan committee of the New York legislature concluded after a year's study that the performance of its Public Service Commission was a "fiasco" that had obliged citizens to pay millions of dollars a year in excessive charges. Some of the headlines in the *Los Angeles Times* in late 1970 and early 1971, concerning that state's Public Utilities Commission, read: "PUC Leans Toward Big Business, Critics Say"; "PUC Would Deny Public Interest"; "Report to State Senate Unit Hits PUC Policies"; and "PUC Now Votes Secretly."

Nevertheless, the New York and California utility commissions are generally considered to be among the nation's best. Said investigative reporter Joseph C. Goulden in 1970: "Four public service commissions have no attorney on their staff; seventeen, only one; another nine, only two. Six commissions have no rate analyst; sixteen, only one; another seven, only two. Twenty commissions have only one or two accountants, despite the fact, as Sen. Lee Metcalf has noted, 'that effective regulation relies almost entirely on accurate analysis of the accounts of hundreds of companies subject to regulation.' . . . Only three state commissions employ economists."

Such inadequate staffing leaves the state commissions almost entirely at the Bell System's mercy. In California, for instance, the current demand by Pacific Telephone for a $290 million-a-year rate increase has already involved some sixty days of hearings, has heard testimony

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from some 170 witnesses, and has filled some 6,000 pages of transcript. How can a state commission keep up with all that when it must also regulate gas, electric, water and transportation utilities? Few of them even try.

Many state commissioners are loyal political workers who have been awarded their jobs in return for past services in the election wars. In California, for instance, all five PUC commissioners are Republicans, and all were appointed by Gov. Ronald Reagan. Four of the five are past members of the Republican state or county central committee; one of them was vice chairman of California's Goldwater for President campaign in 1964; another was a former campaign worker for and aide to Governor Reagan. None of the five had any particular qualifications to oversee the $2.9 billion-a-year telephone business in California. Yet each earns in excess of $30,000 annually, paid by the state's taxpayers.

In 1971, the PUC voted 4 to 1 to grant Pacific Telephone a gigantic $143 million-per-year rate increase—a decision which Commissioner Thomas Moran noted "had the unanimous disapproval of this Commission's own staff," represented "bad regulation and bad law" and would almost certainly be overturned by the state Supreme Court.

In November 1971, the state Supreme Court did in fact rule that the accounting procedure used by the PUC earlier that year to grant Pacific its $143 million boost had been unlawful. The court ordered the PUC to hold hearings on the accounting method. The *Los Angeles Times* of April 12, 1972, carried an article which quoted Pacific Tel treasurer R.M. Joses on the accounting method favored by the Supreme Court and the PUC staff: "We estimate that Pacific would fail to earn its dividend [of $1.20 a common share] in 1972 . . . in 1982 it would be bankrupt."

On June 9, 1972, the California Supreme Court overturned the $143 million increase. Not only did the justices order Pacific to adopt the accounting method which its officers had said would result in bankruptcy, but they ordered an incredible $175 million refund to be paid to Pacific's California customers! It turned out to be the largest refund ever paid by a U.S. corporation.

Pacific Tel's executive vice president, Gordon L. Hough, lambasted the court decision as "the most disastrous action in the history of Pacific Telephone." But despite all the hand-wringing, teeth-gnashing and tear-jerking—not to mention a desperate appeal by Pacific to the U.S. Supreme Court—the California court's action was upheld; the refund and rate rollback were carried out. And contrary to predictions, Pacific Tel didn't have to reduce its 1972 or 1973 dividends by a penny.

Moreover, even after paying the $175 million refund, Pacific Tel managed in 1972 to earn more net income than did the mighty U.S. Steel Corporation. In spite of this, Pacific continues to sing the blues. President Hull told company stockholders at their annual meeting on March 23, 1973: "Just when it appeared that Pacific Telephone was about to achieve more realistic earnings in 1972, our hopes were dashed by the California Supreme Court's decision. . . . I said at that time that the court's decision was the most disastrous setback in the history of our company. Nine months later, I have not changed that opinion." Mr. Hull, we are led to believe, maintained a straight face.

Most businesses would be proud to tell the world about particularly profitable performance, but the Bell System must contend with the ever-present utility commissions. If the public gets the impression that phone rates are too high, it will bring pressure on the commissions, and the commissions in turn will fix a cold eye on Ma Bell.

The public at large assumes that telephone rates are essentially the same throughout the country. In fact, they vary to an incredible degree. The basic monthly charge for a residential phone is $5.60 in Washington, D.C., and $8.90 in Baltimore. Pacific Telephone collected some $210.92 in gross revenues for each telephone in 1972; Bell of Pennsylvania collected only $142.71. Whereas Ohio Bell had a 1972 net income of $10.51 per phone, C&P Telephone of Virginia chalked up profits of $25.89—and so it goes.

Perhaps the greatest disparity, though, is that between federal and state rates for long-distance calls. Nationwide, long-distance rates are based upon beeline mileage, the FCC setting the interstate charges and the state commissions those within a state. The state toll schedules, in almost every case, produce charges considerably higher than those of the interstate (FCC) schedule.

For example, from Los Angeles to San Francisco (351 airline miles), the rate for a three-minute directly dialed daytime call is $1.15 plus tax; the charge for a 351-mile call from Los Angeles to an out of state point would be only 90¢ plus tax. Between New York City and Buffalo, the charge is $1.41 for three minutes, while the similar interstate rate would be 85¢. (Rates for evening, person-to-person and collect calls follow the same patterns.)

The state commissioners smart under these differences, but show no disposition to bring their rates into line. All the state commissions belong to an organization, the National Association of Regulatory Utility Commissioners (NARUC) which, during its annual convention in Seattle last September, adopted a resolution attacking the FCC for its rate policies. These policies, said NARUC, are "anti-consumer," and benefit "the relatively affluent class of interstate users to the detriment of the vast majority of local and intrastate rate payers. . . ." (Just who are the affluent users NARUC doesn't say, but the statement seems curious, since both business and residential customers place both interstate and intrastate calls.)

Telephony, the magazine of the phone industry, reported as follows on the resolution:

> To support its charges, NARUC reports that actions taken by the FCC since January 1, 1969, have resulted in granting the Bell System a net increase of $163 million in interstate rates. By contrast, says NARUC, state regulatory commissions since January 1, 1969, "have been forced to grant Bell System companies rate increases of approximately $2.1 billion. . . ." In addition, the resolution continues, Bell System companies currently have pending in the states "rate increase requests for billions of dollars more."

It seems incredible that the state commissions, having failed to resist huge increases, are now attacking the FCC for *its* attempts to keep phone rates down. But the state commissions don't intend to stop with a mere resolution.

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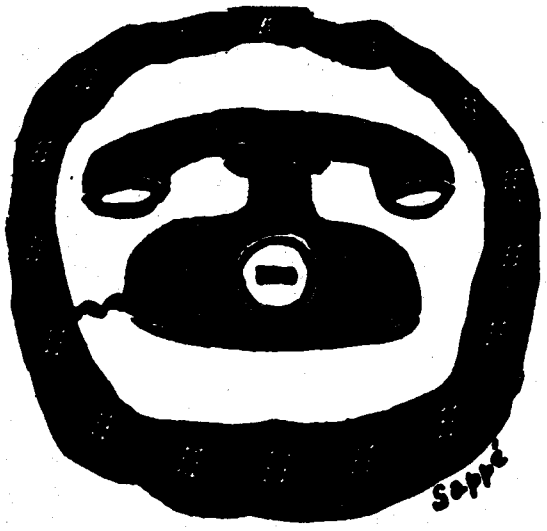
NARUC has directed its officers to prepare and seek passage of federal legislation that would impose a surcharge on every interstate phone call. The U.S. Treasury Department would be required to collect the surcharge and pay it to the telephone companies to help them defray the cost of intrastate phone service. Says *Telephony*: "A NARUC staff official [predicted] there is a 'good chance' the [surcharge] bill will become law—if not next year, then in the 94th Congress which meets in 1975-76. He pointed out that the legislation is based upon a 'consumer argument,' and said NARUC hopes 'to mount a public relations campaign. Once legislators realize that in addition to the price of steak, people aren't going to be able to afford telephones any more, I think all hell will break loose.'"

But the NARUC's proposed surcharge is clearly *not* based on a "consumer argument." It is, quite simply, *an attempt by the state utility commissions to continue granting the Bell System huge rate increases, while passing the blame for higher rates on to the FCC.*

In cases where utility commissions have not proven wholly sympathetic to its rate increase demands, the Bell System has not hesitated to take sterner measures. Here



are just a few examples of Bell System legal actions against the commissions, during 1973 *alone*:

In April, the New Hampshire Supreme Court, acting on an appeal by the New England Telephone Co., ordered the state's Public Utilities Commission to consider whether higher rates might be in order. In going to the court, New England Tel argued that the $5.3 million-a-year rate increase it was granted in 1972 was not sufficient.

In May, the Vermont Supreme Court struck down an earlier Public Service Board order denying New England Telephone permission to implement a $7.2 million annual rate increase in Vermont. The Public Service Board was told to come up with new rates within ninety days, or New England Tel would be permitted to set its own rates.

In June, Ohio Bell Telephone asked the state Supreme Court for a court order forcing the Ohio Public Utilities Commission to take immediate action on its request for a $164.4 million-a-year rate hike.

Also in June, the Public Service Commission of the District of Columbia, acting on a court order to take another look at the $13.2 million rate increase the commission had granted to C&P Telephone in 1972, decided to grant an additional $4.4 million annual increase. C&P had taken the matter to court, arguing that the $13.2 million was not nearly enough.

And during the year, various other Bell companies brought similar actions in the Supreme Courts of Florida, Rhode Island, Alabama and Illinois.

These examples are not meant to suggest that the courts of the land are all tucked firmly into the phone company's pocket. Indeed the AT&T companies may well lose more cases than they win. But it is clear that the mechanism of judicial appeal has become a virtual reflex action at the telephone company—one which ultimately tends to sway the law of averages in favor of repeated Bell System rate-case victories.

Court action, however, is not the only weapon at Ma Bell's disposal. Maine has a law which allows the Public Utilities Commission just nine months to reach a decision in a utility case. If a case goes beyond that time, the phone company automatically gets the full amount it had requested. On July 14, 1972, the Maine commission hastily granted New England Tel a $7.8 million-a-year hike—just one day before a requested $10 million increase would have automatically gone into effect.

Sometimes a state commission fails to reach its decision before such a deadline. In April 1973, Mountain States Telephone automatically received a $9.8 million annual increase, the Colorado Public Utilities Commission having failed to call public hearings promptly upon receiving a notice by Mountain Bell of its rate increase demand. According to Colorado commissioner Henry Zarlengo, regarding the manner in which the state law is being implemented, "the public is unreasonably deprived of the opportunity to participate" in rate cases.

Ma Bell often gets assistance from the government in other strange ways. A number of American phone users probably believe that "all we need is a few consumer advocates on the utility commissions." But as matters now stand, the telephone company holds a trump card that will permit it to achieve gargantuan rate hikes in coming years—even if *all* of the current utility-leaning commissioners are replaced by disciples of Ralph Nader. This would be so because of the principles and procedures whereby phone rates are set.

In judging the level of prices a telephone company may set, the FCC and almost all state commissions employ a "fair rate of return" criterion: after the phone company subtracts its operating expenses from gross revenues, what remains is supposed to be just sufficient to compensate Ma Bell for her *investment in plant and equipment*. If the rate of return, computed as the ratio of net revenue to the value of plant and equipment (the "rate base") is judged to be too low, the phone company is permitted to increase its prices. From year to year, the *percentage* of profit allowed by a particular commission may vary slightly, depending on the general level of interest rates and the political leanings of the commissioners, but the procedure is always the same.

With the rules of the game thus set, it would seem logical that AT&T would always want to *spend as much*

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as it possibly could for capital expenditures in plant and equipment—because the *greater its capital spending, the greater its future profits.* But for decades, public utility economists (many of whom are university professors who also receive telephone company fees to testify in rate cases) argued that things really aren't that simple, that if a telephone company spent too much on plant and equipment investments, it would somehow eventually go broke.

That is, economists took that position until compelling evidence was produced more than ten years ago to prove them wrong. In December 1962, two research economists from the Rand Corporation, Harvey Averch and Leland L. Johnson, stunned the public utility world by publishing in *The American Economic Review* a study entitled "Behavior of the Firm Under Regulatory Constraint." (William J. Baumol, professor of economics at Princeton, wrote in 1970 that the Averch-Johnson paper "represents a breakthrough in the theory of regulation.")

Averch and Johnson concluded, among other things, that (*1*) The telephone company, under the present system, has no incentive to minimize its costs, and for that reason operates inefficiently. (*2*) The telephone company has an incentive under the present system to spend much more on capital expenditures than it would spend in the absence of regulation. They suggested in the last sentence of their paper that "it might be interesting to explore alternative forms of government control that, by avoiding the return-on-investment criterion for price regulation, do not generate the bias disclosed here." The Averch-Johnson view of the telephone industry was summed up in 1973 by economist E.G. Davis: "In rate-setting, the regulator has no role to play!"

So there we have it. Ma Bell is encouraged, virtually *compelled* by the desire for increased profits to make huge capital expenditures for new plant and equipment. The result is shocking, though predictable. The Bell System reports that, in 1972 alone, its capital spending amounted to some $8.3 billion—or some $78.83 per telephone.

The U.S. Commerce Department states that the total 1972 capital spending by all of U.S. business was some $88.4 billion—which means that the Bell System accounted for virtually 10 per cent of the investment made by the entire nation. AT&T says rather vaguely that, "of 1972's construction expenditures, $1 billion was invested in modernization projects . . . another $400 million was spent for 'customer movement' . . . but by far the largest portion of our 1972 construction expenditures—$5.5 billion—was spent for growth, current and prospective." But the details of this mammoth spending of the public's telephone dollars do not appear.

In its April 1973 interview with AT&T chairman John deButts, *U.S. News & World Report* asked: "What's the latest on Picturephone service?" Mr. deButts replied, "It has not been living up to our original expectations, mostly because of cost. We have to charge $100 per phone line, plus $50 per set per month. . . . The sets cost us about $1,200 apiece to build. The cameras are especially sensitive and expensive." Mr. deButts didn't bother to mention that the $150 monthly Picturephone cost does not include the charges for any long-distance calls—because long-distance Picturephone service simply isn't being offered. The city with the most Picturephones today is Chicago, where some 425 sets are in operation. This contrasts rather sharply with a 1970 Bell Telephone magazine estimate that nearly 100,000 Picturephone sets would be in operation by 1975.

In 1971, I asked Robert Thorpe, an aide to FCC Commissioner and consumer advocate Nicholas Johnson, whether the FCC had ever made an investigation of the estimated $1 billion that AT&T had invested in Picturephone development, or had taken a hard look at any of the rest of Ma Bell's capital spending. Thorpe replied that "We have never conducted an investigation of R&D expenditures or manufacturing expenditures or anything like that. It's pretty much left to the [phone] company to do what they want. I do know that at one time the California State Commission in 1965 took some action regarding Pacific Tel & Tel and the R&D charges . . . but all of these policies have been changed, of course, under the Reagan administration. I don't know anybody that's doing it now, and we clearly are not. . . ."

But Picturephone and other such gadgets represent only a part of the Bell System capital spending program. To hear the phone people tell it, the *main* reason why they are spending all that money on new construction is to meet the growing communications needs of the public. According to California PUC Commissioner William Symons, Jr., the telephone industry is "growing much faster than the population growth, and this is primarily due to the growth of the toll business." Said William Ellinghouse of AT&T in 1970, "In the past ten years, the circuit miles in the nationwide switched [long distance] network have tripled . . . in the next ten years, we foresee [another] fourfold increase."

But curiously, the *volume* of Bell System long-distance calling did *not* triple during the decade ending in 1970. As a matter of fact, the growth of long-distance calling has been remarkably constant since 1940. Between 1940 and 1950, the nationwide number of toll calls doubled; between 1950 and 1960 it *nearly* doubled; and between 1960 and 1970, it doubled again. The growth figures between 1970 and 1972 indicate that the volume of toll calls will *again double* in the decade of the 1970s—which hardly coincides with the Bell System determination to *quadruple* the size of its long-distance network during the same period.

The really scary thing about Ma Bell's construction spending, though, is how it will grow in coming years. After spending $8.3 billion in 1972, some $9.5 billion was budgeted for 1973, and an incredible $10.4 billion for 1974. *Telephony* magazine expects Bell System construction spending to grow to $11.3 billion in 1975, and $12.3 billion in 1976.

For the average telephone user this means that extraordinarily higher phone rates are coming soon. Customers will be expected to pay the telephone company about 15 per cent interest each year for each year's investment, in order to pay Ma Bell's taxes and leave her with a net of about 10 per cent profit.

In other words, the Bell System spends $9.5 billion in 1973 for new equipment—and then goes knocking on utility commission doors in 1974 demanding a yearly rate increase on $9.5 billion of 15 per cent, or

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$1.4 billion. Then in 1974, Ma Bell invests $10.4 billion in new plant, and knocks on those same regulatory doors in 1975 looking for another $1.6 billion in higher yearly rates. (Incidentally, a $1.4 billion rate hike works out to an increase of some $13.30 per phone per year.)

Writing about the Bell System in the May 1970 issue of *Fortune,* Allan T. Demaree reported that AT&T insists upon a great deal of uniformity in the operations of its various telephone companies. But in spite of "all this uniformity," Demaree concluded, "the presidents of the operating companies still have broad discretion to make critical decisions affecting their business. The single most important decision they make is how much to invest in new equipment . . . [AT&T] helps oversee the capital budgets . . . [but] what is truly surprising is that AT&T has never directed its operating companies to cut back on capital expenditures." (Considering how phone rates are set, this doesn't seem *truly* surprising.)

In an interview conducted by a telephone industry publication in 1972, AT&T Chairman deButts was asked, "Is there any hope of reducing the increase in [Bell System] construction outlays?" Mr. deButts' reply was, "Well, I'm not sure that we want to. Demand for service is more business." Then the question was put to him, "You don't see any particular push to draw the line on or flatten out the [construction] growth rate?" And deButts piously answered, "No sir. You see, by law we are required to meet the public demand."

In his company's annual report issued in February 1973, deButts noted, "In 1972 nearly all of the Bell companies sought rate increases from the regulatory commissions in their territories, some of them for the second or third time in recent years. . . . Good earnings and good service are inseparable objectives. . . . Most regulators, I am glad to say, understand this relationship."

The public's only hope to withstand the tide of higher phone rates in the future is that its utility commissions will call a halt to exorbitant phone company capital spending. But the commissions don't see it that way. For example, the California PUC, in its annual report for 1973, proudly announced that "The Commission [has] ordered Pacific [Telephone] to install at least $750,000,000 per year in new plant over the next three years to decrease the likelihood of service problems."

In contrast to the total after-tax income of $55.4 billion for U.S. firms in 1972, the Bell System's $2.53 billion represented some 4.6 per cent of the nation's total profits. And then there is the matter of "profit margins" (where the profit margin expresses a firm's net income as a percentage of its gross sales). For the year 1972, *Fortune*'s list of the nation's 500 largest industrial corporations showed a composite profit margin of 5 per cent. By contrast, American Telephone and Telegraph tallied a most impressive 1972 profit margin of 12.1 per cent.

But where is the great public outcry about excessive phone rates? To date, it has been muffled by the American citizen's lack of concrete facts regarding Ma Bell's stewardship of its public trust.

The telephone company's current financial success has resulted from its inordinate ability to gain the upper hand in three areas: favorable appointments to the utility commissions; the power to beat down any attempts to put meaningful utility-control laws on the books; and the lack of competitors or pressure groups to bring the facts of the matter to the public's attention.

If we are to correct the present inequities, we should perhaps devote our principal attention to the need for stiff new legislation on both the federal and state levels. Nothing of the sort will occur until the American people come to realize the extent of the problem. □

VIETNAM IN ARABIA?

NEW WAR IN THE OFFING

SEN. JAMES ABOUREZK

As Henry Kissinger jetted back and forth in his attempt to arrange for peace between Israel and its Arab neighbors, fighting escalated further south. With U.S. Government encouragement, front-line Iranian troops have disembarked in the Sultanate of Oman and established an active military front on the Arabian peninsula.

Then, while the world was watching the separation of armies in the Suez area, at least 1,500 Iranian Special Forces, supported by helicopter troop carriers and gun ships, launched an offensive against Arab rebels who hold most of Oman's territory of Dhufar. Serious consequences may follow from this invasion, especially if the fighting is prolonged. It should be subject to full scrutiny by the United States Senate. First, because U.S. equipment is involved (the Iranians have purchased smart bombs and Cobra gun ships). Second, because this action brings to the Middle East the *aggressive* component of the Nixon-Kissinger doctrine—that of using other powers to police American interests. Third, because it raises a question about that strategy, if we in this country are to be judged by our friends.

At stake is the strategic southern coastline of the Arabian peninsula. Ten years ago the area was controlled by the British, who used it to protect their sea route through Suez to India. In late 1967, after the Canal was closed by the Six Day War, Harold Wilson's Labour government pulled out of Aden and the western half of the coast was won by the local National Liberation Front; it is now the People's Democratic Republic of Yemen. No diplomatic relations exist between this regime

James Abourezk is the junior Senator from South Dakota (see "Abourezk of South Dakota" by Robert Sherrill, The Nation, *February 2).*

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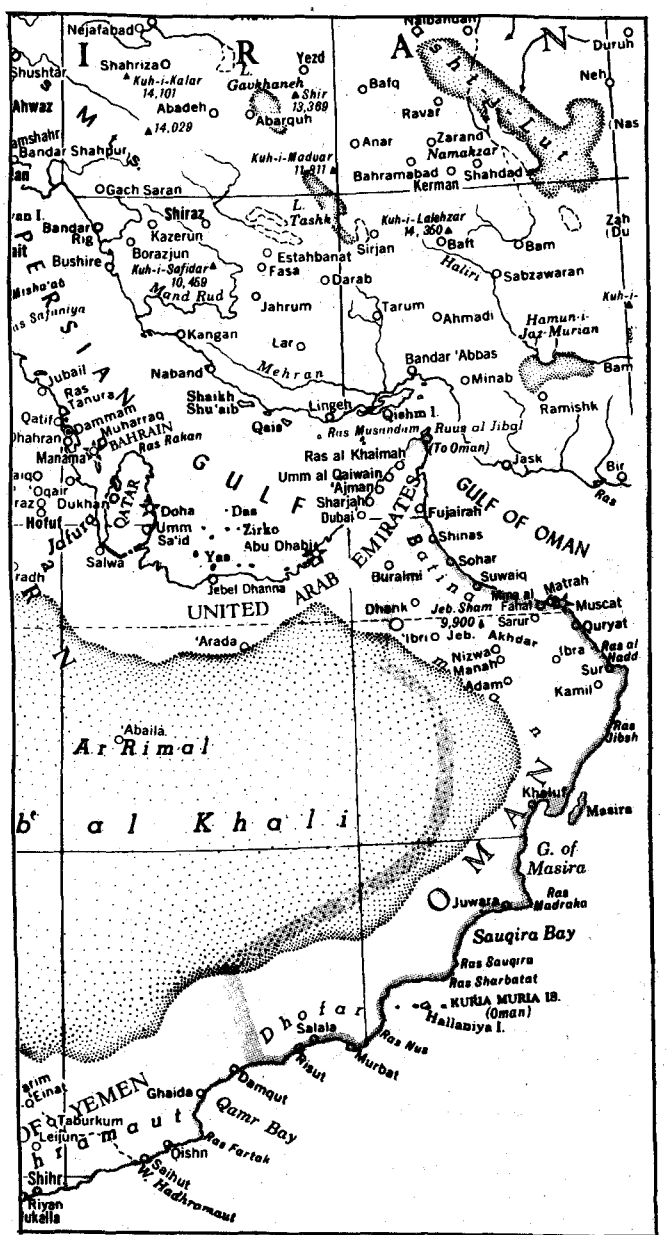
and Washington at present, but the British have extended recognition, and Assistant Secretary of State Sisco told the House Foreign Relations Near East Subcommittee that: "regardless of the amount of [Communist] influence there, the leadership is basically indigenous."

The Sultanate of Oman takes up the other, eastern half of the coast, and there, in its border province of Dhufar, lying between Yemen and Oman proper, the Iranian troops have disembarked at the Sultan's "invitation." In contrast to most of Oman, which is desert, rain-bearing winds from the Indian Ocean give Dhufar a jungle covering. But insurgents have prospered in Dhufar not only because of this physical cover but also because of the "government" of Oman.

The old Sultan was so secretive and reactionary that, until he was toppled in 1970, some of the women in his harem had never been out of his palace. Because of his antiquated and autocratic rule, the rebellion in Dhufar threatened to spread right across the country. In 1970, the British levered out the old Sultan and replaced him with his son, the now incumbent Sultan Qabous, who was trained in British officers' school. The army was enlarged from 2,500 to 10,000 and its contingent of British officers raised to 250. (The entire population of Oman is around 750,000 and that of its capital, Muscat, only 7,000 to 8,000.) A feeble campaign of social reforms was announced, such as building the first schools and hospitals. But Qabous soon ousted his new Prime Minister and renewed the despotic control of his father.



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The Christian Science Monitor recently referred to Oman as a brewing mini-Vietnam, and the analogy is apt. Marxist insurgents, entrenched in mountainous terrain, have organized local people against the corrupt Sultanate. The guerrilla area borders a Socialist country, South Yemen. Russian and Chinese small arms come across this border. The old colonial power, England, is retreating—like France from Vietnam—and the country, though its resources are marginal, is strategically placed. Thus far its conditions are similar to those in Vietnam before the U.S. military became involved.

The new factor in the situation is the direct intervention of Iran, which the Nixon Administration has armed and which for many years has been the United States' foremost ally in the region. As long ago as 1947, Washington and Teheran entered into a treaty which established a military mission in Iran. This treaty is still in force, and one of its conditions obliges Iran that, should it engage foreign personnel in a military capacity, "The circumstances shall be brought, in the interests of mutual cooperation, to the knowledge of the U.S. Government authorities concerned, prior to the arrangement for such services." It follows that the State Department must have known about the Iranian landings in advance, if only in the interests of "mutual cooperation."

Just when America has managed to obtain an Egyptian-Israeli withdrawal, it encourages an Iranian move into the Arabian peninsula. In the long run the garrisoning of Oman by Iran may give Teheran control of the Persian Gulf. Aside from the affront to Arab nationalism, Saudi Arabia will hardly look benignly on this, nor will Iraq or the Soviet Union. At the moment when peace seems possible in the area, the United States appears to be helping to sow the seeds for future conflict.

Finally, one must ask the moral question. Why does this country so often end up by supporting reactionary regimes? While our democracy can bring under its scrutiny even the smallest details of its incumbent President's behavior, in the Soviet Union an author who merely describes the past is under threat for his life, and his words are withheld from the Russian public. Yet in the Gulf, Russia supports a regime which has "indigenous leadership," while the United States, covertly in its actions and overtly through its silence, supports an unpopular Sultan. A leader, moreover, who, manipulated by outdated British advisers, is now reliant for his survival on the U.S.-equipped foreign forces of Iranian Shah Riza Pahlavi. □

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A WRITER IN PRISON

THE CATCH IN REHABILITATION

EDWARD BUNKER

This is written from the U.S. Penitentiary on McNeil Island in the middle of Puget Sound, Wash.; it is the oldest and most isolated prison in the federal system, a sanctuary so remote that it's the last habitat of a species of heron otherwise extinct. The Soviet Union is not the only nation that hides its prisons in the hinterland. And it is not the only nation that dislikes writers who depict what goes on in its prisons.

I'm a convict-writer, the two descriptions being equal, and in precisely two years I'll finish this five-year term for aiding and abetting a bank robbery and will be released into (or upon) society. By then I will be either a successful writer or once more a menace. The countless possibilities of life have narrowed for me to a choice between crime and writing, one personally nihilistic and socially destructive, the other creative and perhaps constructive. I feel they are the only choices open for me.

One might assume that the United States Bureau of Prisons would encourage any socially positive efforts on the part of its inmates. Like all prison administrations, it claims that rehabilitation of the offender is a primary goal. In me the bureau has a prisoner who has been in serious trouble with the law since the age of 10, and a drug addict for twenty-three years. That such a person would want to do anything except shoot dope and rob banks should, it would seem, make the prison officials desire to help. Such is not the case. They say I cannot write while in federal prison. If the ambition were unrealistic one would understand that those charged with "resocializing" the offender might try to dissuade me. Indeed, for many years various staff workers in the California prison system wrote in my file that my urge to become a writer was an "immature fantasy," especially for a man with a 7th-grade education. Although making a living by writing is perhaps a tougher game than robbing banks, the claim that I am unrealistic in having such an ambition will no longer hold water. I haven't made a pot of gold, but I have written a moderately successful novel and magazines solicit me for articles. In two years of study and productivity I would be ready to live outside—and contribute to society. I would make this time in prison serve me while I serve it.

Alas, the Bureau of Prisons pays lip service to rehabilitation while actually slotting it far down the line of priorities. Rehabilitation is a most useful aim when the system is justifying allocations of funds for "programs" that expand the system's power. Nor is "protecting society" rated much higher in the penitentiary scheme of things. As with any bureaucracy, the Bureau of Prisons wishes to perpetuate itself and to avoid criticism.

But this article is not about the federal prison system per se, which generally provides better "housekeeping"—food, clothing, quarters—than do most prisons, but is woefully reactionary in its programs to prepare convicts for release. Part of the problem of prisons is the uninterested public. It seems strange that crime is among the top concerns of Americans while the correctional processes—the prisons—are among the last. This article is about how the prison shoves rehabilitation out of the picture when the person being rehabilitated might criticize, and when that criticism might reach an audience. My first recognition of the zeal to stifle adverse comment came when I was at the Federal Correctional Facility on Terminal Island, at San Pedro, Calif. An article I had written on conditions in the Los Angeles County Jail had just been printed in the *Los Angeles Times*. It caused a minor stir and an Associated Press writer wanted to visit me. The Bureau of Prisons turned him away. Press interviews were not allowed.

Shortly thereafter, Herbert Hirschman, a movie and television producer who owns the movie rights to my novel, was approved to visit, but prison officials advised him that he could not discuss "business." Convicts are not allowed to conduct a business or profession while incarcerated. This regulation provides the foundation for the Catch 22 that assures they will not foster another Eldridge Cleaver or Aleksandr Solzhenitsyn. They do not care that literature, hence society, has benefited from skills honed in the solitude of dungeon or cell. From the confined came Socrates' *Apology*, Dostoevsky's *House of the Dead*, and works by Villon, de Sade, Cervantes, Wilde, Genet and others.

Federal prisoners are "encouraged" to develop skills of self-expression—within certain restrictions: manuscripts must be handwritten, cannot deal with criminal exploits or experiences, cannot name or criticize any government official. Outlines must be submitted before writing commences and the finished manuscript must be submitted for censorship. Any manuscript longer than 6,000 words must go to Washington for approval. Finally, no compensation can be received, and a professional writer is forbidden to write under all circumstances—because of the rule against conducting a business or profession. Hence (here comes Catch 22), the regulation allows unpublished authors to submit handwritten manuscripts of dog stories to be published free; it is hardly an incentive to creativity. And if someone has been published and might be published again, he isn't allowed to write at all. Smuggling so much as a letter out of federal prison is punishable by up to five more years' imprisonment.

Edward Bunker, aged 41, was born in Hollywood. His parents divorced, and from the age of 4 he was raised in boarding homes. At 10 he was sent to reform school, at 13 he broke parole, and at 17 he was sentenced to four years in San Quentin. Since then he has spent most of his life in prison, serving terms for a variety of offenses that include forgery, burglary, safe-cracking, assault with a deadly weapon, and robbery. He published "War Behind Walls" in 1972 (Harper's) *and a novel,* No Beast So Fierce, *in 1973 (W.W. Norton).*

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The rule about not conducting a business or profession, though less than one prisoner in 100 has either, is superficially reasonable. It was enacted to curtail such eminent federal prisoners as Al Capone, Dave Beck and Jimmy Hoffa, men with empires the federal government was trying to break. When applied to writers, though there are perhaps less than a score in federal prison, it also effectively drops a cloak of silence and secrecy. It may be an unconstitutional violation of the First Amendment. The California courts have so held with regard to state prisoners, and federal courts have ruled in other contexts that prisoners retain all constitutional rights beyond those necessarily forfeited by imprisonment —for example, they are to be secure against warrantless searches. Not that the Bureau of Prisons has enthusiastically heeded court decisions. More than two years ago the Supreme Court of the United States held that prisoners must be provided with access to law libraries. Except in a fraction of its institutions, the federal prison system has not complied with the order.

While at Terminal Island, I wrote a book review on assignment for the *Los Angeles Times*. It was confiscated. Nick Allis, a young attorney in the Los Angeles Federal Defenders Office, was interested in the problem, but could not help because of his job. He put me in touch with John O'Laughlin, a staff counsel for the Los Angeles branch of the ACLU. When he telephoned the warden, the review was returned to me. I mailed it out and it was published. Two weeks later, however, I was en route to McNeil Island—far from my home in California, far from the drug treatment program at Terminal Island that had been strongly recommended for me by the judge and the probation department, but especially far from any market for my wares.

The ACLU wrote Norman Carlson, director of the U.S. Bureau of Prisons, about the manuscript censorship regulations. His office didn't bother to answer. I have written the deputy director and the warden here, also getting no answer. An associate warden agreed that my predicament was unfair, but said that the rule was from Washington and he had to follow it.

Oui magazine sent me a small advance for an article about prisons. The check, drawn on the Playboy Corporation, was a red flag to prison censors. After an exchange of letters, *Oui* withdrew the offer and the check was returned.

My next move was to seek out allies to help me get the regulations changed, either administratively or through the courts. But the Los Angeles branch of the ACLU no longer answered. The Authors Guild, of which I'm a member, was also silent. The American Bar Association, which had just awarded me a certificate of merit for a *Harper's* article "contributing in the media to public understanding of the American system of law and justice," also ignored my letters. All I wanted was a statement of protest or some advice about where to get help. That would have meant more than a plaque, which the prison won't let me have anyway.

My next decision wasn't precisely to smuggle manuscripts out but to take advantage of another regulation. Letters to Congressmen, Senators, judges and the media, including magazines, can be mailed out in sealed envelopes. Such is the method I'm using to send this article out. But this privilege also has a catch. A form letter headed United States Department of Justice, which accompanies the sealed letter, provides various instructions for the recipient: prisoners cannot receive payment for anything they've written; letters and messages are not to be forwarded, and if the sealed letter contains any of a score of things, the warden is to be informed.

The instructions are not the law, since such regulations are not binding on free citizens. Any punishment would fall solely on me. I decided to send manuscripts piecemeal to a friend who is an associate editor at *The New Yorker* and have him give them to my agent. After all, *The New Yorker,* for all its glittering ads, is a magazine with a liberal tradition, one that has fulminated against censorship in all forms.

So I asked if my friend would help. The answer was no. When I protested that doing what I asked was no skin off their ass, and that they would rend their clothes

Unauthorized Photo Taken by His Editor in the Visiting Room at the Los Angeles County Jail, 1972. Plate Glass Between Subject and Photographer Caused the Distortions

about Soviet stifling of Solzhenitsyn (not that I am the faintest shadow of the great Russian), the response was that Solzhenitsyn was being silenced for political reasons, whereas I am a lowly bank robber. Beyond the fact that I, too, have my truths to write, the rationalization is sophistry. In Russia, Solzhenitsyn is a criminal, for crime is defined by the statutes of the land. And *all* censorship is political when it isn't prudery. Censorship is the reflexive act of the powerful who wish to be unassailed by criticism. Even when in reality there is no reproach, the reflex is to remove the possibility. And such censorship is necessarily political. It can be nothing else.

If the Bureau of Prisons wants to keep me from making money in anticipation of my release, it is an absurd contradiction of the avowed goals of rehabilitation and protecting the public. A penniless ex-convict is a far greater threat than one who has accumulated a few thousand dollars by his own efforts. And they encourage convicts to work in prison factories and save as much

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as possible from the $60 a month salary. As for not wanting me to follow my profession, whatever it may be, that would be arbitrary, capricious and senseless. Nor is it true. Prison artists are allowed to paint in their spare time and put on an annual art show in a large department store in Tacoma. Nor are professional leather workers stopped from making purses, belts and billfolds and selling them in the hobby shop. Only writers are prevented from using their time productively.

This may appear a tempest in a teapot. So what, if some convict isn't allowed to write and rehabilitate himself and is therefore likely to commit more crimes? He can always be locked up again. But if this shows, in the case of one inmate, that the prison system isn't really interested in rehabilitation or protecting the public—and it shows that clearly—perhaps the public is being bilked wholesale. Perhaps the prisons aren't really interested in rehabilitating anyone, nor in really protecting the public.

Finally, what goes on in prisons that the Bureau of Prisons wants to hide? □

THE PUMPS OF PRIVILEGE

BIG OIL & THE NIXON CAMPAIGN

REP. LES ASPIN

Washington

It is not always possible to show a direct link between big campaign contributions and political favors. In many cases no specific deals have been made, though the contributions still have the desired effect. Politicians and top bureaucrats always seem to know who the biggest contributors are. Certainly, the present Administration has shown unusual solicitude for campaign contributors, both in particular cases and on matters of government policy.

During the last election, the officers, directors and a few principal stockholders in the nation's oil and gas companies are known to have contributed more than $5 million to the Finance Committee to Re-elect the President (FCRP). The full amount, which undoubtedly would include contributions not identified with the oil companies' officials and other, still-secret contributions, is probably much higher. But this figure—about 9 per cent of Nixon's total—indicates at least the magnitude of the industry's gift. It is therefore not surprising that the Administration's response to the current energy crisis has been basically pro-industry and anti-consumer. While the ordinary citizen is asked to turn down his thermostat, drive slower, cancel weekend auto trips, and generally quit being "fuelish," the oil companies have not been called upon to make any comparable sacrifices. On the contrary, the energy crisis became an economic and political bonanza for the major producers.

In addition to this general pro-industry bias, it is possible to point to more specified examples of Mr. Nixon's devotion to big oil's cause.

¶The National Petroleum Council, composed entirely of industry representatives, is the Interior Department's official advisory body on all aspects of oil policy. More important, it employs a full-time staff that is responsible for developing much of the existing data on the petroleum industry. The council has also been responsible for projecting U.S. supply and demand of energy. In fact, National Petroleum Council statistics are often adopted by the various government agencies as official U.S. Government "facts."

Of the council's 125 members, seventy, or 56 per cent, contributed a total of $1.2 million to FCRP. Thus, not only are the data on the energy crisis controlled by the industry but the data makers are also benefactors—people Mr. Nixon is loath to annoy.

¶Two consortia of gas and engineering companies have signed letters of intent for the development of Russia's Siberian gas fields. One group, including Occidental Petroleum, El Paso Natural Gas, and the Bechtel Corporation, hopes to develop western Siberian fields and ship about a billion cubic feet of gas per day to the U.S. West Coast, providing 8 per cent of that region's needs by 1980. Similarly, a consortium of Tenneco, Texas Eastern Transmission, and Brown and Root wants to develop eastern Siberian fields and ship 2 billion cubic feet per day to the East Coast, meeting approximately 12 per cent of that area's demand. The whole project will probably cost at least $10 billion and the promoters hope to secure several billion dollars of government financing through the Export-Import Bank.

But the Russian gas deal has encountered serious opposition in the bureaucracy on both economic and practical grounds. First, every thousand cubic feet (mcf) of natural gas now sells for a little more than 20¢ at the wellhead or wholesale level. The two Russian deals involve, at a minimum, a 500 per cent increase in natural gas prices. It is suspected that every mcf of Russian gas will sell for between $1.25 and $1.50 in the United States. While significant domestic natural gas price increases are also expected, it still makes more sense from the consumers' standpoint to explore and develop our vast resources at home where gas can be purchased at prices much lower than those offered by the Soviets.

In addition, the recent Arab oil embargo raises new questions about the wisdom of depending significantly on Russian gas. If we can't trust King Faisal, allegedly a staunch ally, to keep the oil flowing, how can we possibly count on the Russians to maintain gas supplies during any future period of international tension? The absurdity of this entire transaction is raised to new heights

Rep. Les Aspin (D., Wis.) is a member of the House Armed Services Committee; he was an adviser to Robert S. McNamara when the latter was Secretary of Defense.

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when one considers President Nixon's recent call for energy independence by 1980.

One possible explanation is that Dr. Kissinger is willing to pay a mighty high price for détente, as long as it doesn't come out of his pocket. Perhaps a better one is that the Administration may be reluctant to squelch a project which involves so many big contributors to Nixon's campaign.

Officers and directors of the six companies involved in the Russian gas deal contributed more than $250,000 to the President's re-election. Armand Hammer, who heads Occidental Petroleum and is the prime mover behind the transaction, presented Mr. Nixon with $48,000. Fifteen officers and directors of Bechtel Corporation, the engineering firm involved in the western Siberian deal, poured $54,000 into his re-election campaign. Texas Eastern Transmission was good for $59,000, El Paso Natural Gas for $10,500, and Tenneco for at least $50,000.

¶Oil politics often results in miraculous political conversions when the White House changes tenants. Leon Hess, chief executive officer of Amerada Hess, is a case in point. Hess, the Lithuanian immigrant who converted a one-wagon delivery business in northeastern New Jersey into a major integrated oil company, is a lifelong Democrat. His father-in-law, David T. Wilentz, was a prominent northern New Jersey Democratic Party organizer. *Fortune* has reported that in 1968 Hess loaned the Humphrey for President organization $100,000.

According to Edward A. O'Neill, author of *Rape of the American Virgins*, when Hess first became interested in building a refinery in the Virgin Islands, he approached then New Jersey Governor, Richard Hughes, who introduced him to his close friend, Virgin Island Gov. Ralph M. Paiewonsky. Hess visited the Virgin Islands in July 1965, and soon acquired the necessary property to build the refinery complex. In return for a series of tax breaks generously provided by the Virgin Islands legislature and a special 15,000-barrel-per-day import license to the U.S. mainland granted by the Interior Department, Hess agreed to invest at least $30 million on developing a petrochemical plant and offered assurances that by 1970 at least 90 per cent of refinery employees would be "legal residents of the Virgin Islands."

During the early years of the Nixon Administration, investigators suddenly appeared at the St. Croix refinery and, according to O'Neill, on August 10, 1971, Interior's Oil Import Administration (OIA) wrote Leon Hess to inform him that it proposed to revoke the 15,000-barrel-per-day import license. OIA charged that Hess had not kept his word on employing 90 per cent native Virgin Islanders by 1970 and had not invested $30 million in the petrochemical plant.

Within eight months, two very interesting things happened—Democrat Hess suddenly became a major contributor to President Nixon's campaign and the case against him was dropped. On April 4, 1972, Hess is listed for a $10,000 secret contribution. On the same day, according to *Washington Post* reporters Morton Mintz and Stephen Issacs, fifteen gifts of $9,000 each may have been laundered by Hess's certified public accountant, Irving Warshauer, who passed the gifts through the accounts of other clients and eventually into Mr. Nixon's coffers. Thus, in one day, Mr. Hess apparently contributed $145,000. Also on the same day, other Hess employees and directors secretly contributed $105,000 to the Nixon re-election effort. On May 31, 1972, approximately two months later, the Interior Department quietly dropped its case against Hess.

In his decision on the Hess case, acting oil import administrator, Ralph W. Snyder, Jr., candidly admits that the earlier allegations by Interior's investigators against Hess were true, but that in view of Hess's "zeal to comply" with the original terms of the deal, revocation or suspension of the 15,000-per-day import license "would not be appropriate."

Later, between October 24, 1972 and November 1, 1972, Mr. Hess kicked in an additional nonsecret $15,000. In all, employees and directors of Amerada Hess funneled nearly $261,000 to Mr. Nixon's ambitions. Today Mr. Hess's Virgin Island refinery is running smoothly and federal investigators are asking no questions about the number of Virgin Islands native employees or the petrochemical investment.

¶The current energy crisis has become an excuse for the major oil companies to renew their drive to tap the Naval Petroleum Reserves (NPRs) located in California, Wyoming and the North Slope of Alaska. In the current shortage, the Administration has asked Congress to permit a daily production of 165,000 barrels of crude at the NPR in Elk Hills, Calif. While exploiting this mult.billion-barrel reserve may not in itself be a bad idea, an investigation of the merits of opening up reserves has led to revelations of misuse by the Standard Oil Company of California (SOCAL) and the Interior Department.

According to Rep. John Moss (D., Calif.) and Sen. Adlai Stevenson (D., Ill.) who have initiated the recent probe, Interior's Bureau of Land Management has been violating the regulations governing Naval Petroleum Reserves by permitting SOCAL to drill within a mile of the reserve's border. Since oil in the ground flows like water, this drilling may drain off some of the Navy's oil. As a countermeasure, the Navy is drilling so-called "offset" wells to determine exactly how much oil SOCAL is taking and to attempt to halt the underground flow.

From the early 1960s the Navy has attempted to persuade the Justice Department to file a suit to halt the apparently illegal drilling by SOCAL. Finally, on September 29, 1967 the department did file such a suit. The trial, however, was not held until June 1971. The Navy and the Justice Department lost their first legal round in a decision issued in May 1972, and although the government filed its appeal brief in May 1973, the Appeals Court has not yet made a final judgment. Meanwhile, SOCAL may have been able, apparently illegally, to tap reserves intended for use by the Navy in a national emergency.

It comes as no surprise, then, that officials of SOCAL were heavy contributors to the Nixon re-election campaign. Board Chairman Otto Miller contributed $50,000. He thought this money was being donated in total secrecy (it was before the new campaign spending disclosure law became effective on April 7, 1972), but the

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courts ordered the names of secret contributors turned over to Common Cause and the list was made public. Officers and directors of SOCAL poured a total of $166,000 into the President's war chest.

An interesting footnote to the SOCAL-Elk Hills scandal is the unexplained role of former Deputy Secretary of Defense David Packard. After leaving the Pentagon, where he was the number-two man from 1969 to 1972, Mr. Packard not only contributed $89,500 to FCRP ($51,000 in a secret contribution) but became a director also of SOCAL. Packard, or any senior official at the Pentagon, could have made a real attempt to halt SOCAL's drilling of oil near the Naval Petroleum Reserve. Instead, Packard did nothing and then joined the company engaged in the possibly illegal activities after leaving the Defense Department.

¶Packard's successor at the Pentagon, William P. Clements, Jr., is an example par excellence of the Administration's dealings with big oil. Clements is the founder of SEDCO, Inc., the world's largest overseas driller. He owns SEDCO stock valued at approximately $100 million. When he took the number-two job at the Pentagon, the Senate Armed Services Committee decided that he was not required to divest himself of 1.6 million shares of SEDCO or place his holdings in a blind trust.

While the decision to allow Mr. Clements to keep his stock may have been justified when he was confirmed in 1972, a later significant change in his official responsibilities dictated the need for a change in Mr. Clements' financial relationship with SEDCO. He was given the Pentagon seat on the President's Emergency Energy Action Group, a council chaired by the President and charged with making recommendations on national oil policy. He also organized and was the overseer of a number of special Pentagon task forces designed to develop a program of Pentagon fuel conservation and of exploitation of the Naval Petroleum Reserves.

One of those task forces—the Defense Energy Task Group—recommended that "the Secretary of the Navy, with the support of the Secretary of Defense, should pursue . . . an accelerated program of contractual exploration and subsequent full development of potential reserves of the Naval Petroleum Reserves . . ." referring specifically to the huge reserve on Alaska's North Slope. Clements approved this report.

Mr. Clements' apparent conflict of interest leaps to the eye when one checks SEDCO's latest annual report. It notes that "Earl and Wright (SEDCO's engineering division) continues to pursue 'advanced concept' engineering contracts for Arctic oil exploration and production equipment. Currently, a mobile platform for the ice area of the Beaufort Sea is being designed for Imperial Oil Ltd." According to a Navy spokesman, the Naval Petroleum Reserves No. 4 includes some offshore area. Hence Mr. Clements, who also contributed $26,000 to Nixon's campaign, was recommending development of oil lands in an area where his firm had developed special expertise in drilling and was in fact already exploring for oil.

Rather than voluntarily selling his stock, placing it in a blind trust, or withdrawing from making government decisions on oil policy, Clements waited for Defense Secretary Schlesinger to *order* him to withdraw from the "chain of command" for decision making on oil policy matters. He is still available to Administration or Pentagon officials for technical advice on oil matters, although he cannot possibly offer objective counsel on oil policy. He should still sell his stock or place it in a blind trust. Representative Moss believes that Mr. Clements should resign in view of his past decisions, made at a time when he was involved in a patent conflict of interest.

Peterson, Vancouver Sun

"It's the Oil Industry. They Need More Funds to Explore New Ways of Curing Their Credibility Gap."

¶Not only did the oil companies provide a multimillion-dollar boost to the President's campaign, but three of the giants among them also kicked in a total of $300,000 in illegal corporate contributions. They were Ashland, Phillips and Gulf. In addition, Gulf has acknowledged that it made illegal donations totaling $25,000 to the camps of Democratic Presidential aspirants, Sen. Henry Jackson (D., Wash.) and Rep. Wilbur Mills (D., Ark.).

In testimony before the Senate Watergate committee and appearances in federal courts, the oil executives have posed as the victims of a widespread plot by the Administration to extort funds from corporations. The oil men make a strenuous effort to leave the impression that they were muscled and cajoled by Mr. Stans, Mr. Mitchell and their agents. "Any time a person in office or his agency solicits funds, there is a certain amount of pressure," Gulf Vice President Claude C. Wilde, Jr. told the Watergate committee on November 14.

Wilde and Orin F. Atkins, president of Ashland, both told the Watergate panel that they were placed under considerable pressure by Stans and his cohorts to chip in exactly $100,000 to the campaign. Atkins in his testimony said he thinks that Mr. Stans knew all along that FCRP was seeking corporate contributions. Atkins said, "$100,000 is an awful lot of money; it would not be practical to raise it from any other source . . ." except from corporate funds.

Ultimately, officials of all three companies, in exchange for their plea of guilty to the charge of contributing corporate funds to a political campaign, were lightly tapped

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on the knuckles with a $1,000 fine (not much for oil executives making more than $100,000) and the companies were fined $5,000 (a pittance, given the current multi-billion-dollar profits).

There is undoubtedly some truth to the oil company executives' assertions that they feared the consequences of their failure to contribute. That fear in itself reveals the depth of corruption in the present system of campaign contributions and of the corruption of the present Administration. But, if the oil men's fear of retribution for not contributing is real, it is equally true that they could expect some help as a result of their monetary assistance to the President. The trade-offs here are obvious—campaign contributions not only keep you out of trouble with the Administration (as Mr. Hess has learned) but provide you influence within the Administration.

Mr. Nixon's huge dependence on contributions from the oil and gas industry and his anti-consumer and pro-big oil policy are just further evidence that the Administration is unable to deal effectively with the current shortage. Petroleum prices will continue to rise without any guarantee of increased supplies; and shortages, with all their advantages for the oil companies, will be perennial rather than temporary.

In the final analysis, Congress and the American people are left with only one choice if we are to solve the energy crisis: the excessive political power of the oil companies must be brought under control. One comparatively easy and highly effective way to curb big oil's power would be to make sure that political campaigns are financed through public funds—not paid for by private interests like oil men, who ultimately and inevitably seek special favors from the government after their gifts to successful politicians. □

LAWYERS FOR THE POOR

MAKING THE SYSTEM WORK

PETER H. REID

The poor are always with us and it now appears that their lawyers too may be around for a considerable time. Eight months ago, when Howard Philips was actively dismembering the Office of Economic Opportunity, such a prediction would have seemed unlikely. Today, the establishment of a public legal services corporation seems certain.

Philips' short tenure as head of OEO was a brutal time for legal services. Between February and June of 1973 he took to endorsing governors' vetoes of projects, cut out funds for others, and was apparently intent on propelling the program to an early death, even before its tenth birthday. Fortunately for the program, and presumably for the poor, Philips' efforts were so incredibly heavy-handed that former enemies of legal services became something akin to supporters. Staunchly Republican local bar associations were shocked by the shoddy treatment of fellow lawyers. Even if the long-haired poverty lawyers were not exactly embraced as brothers, they were still lawyers.

By June, after a court decision required that Philips' name be submitted to an antagonistic Senate, even the President had had enough. It was clear that there was little likelihood that Philips would be approved and he disappeared, to be replaced by a rather more discreet caretaker. According to Si Rosenthal, chairman of the Western region project directors association, the ironic result of Philips' stay was a substantial expansion of support for better protection of legal services by reconstituting the activity as a public corporation. Such a corporation, it is hoped, will dissipate the kind of political interference that legal services have suffered from the start.

In 1971 a public legal services corporation bill was passed by Congress and vetoed by President Nixon, the veto message directing particular criticism at the procedure for appointing the board of directors. The Administration had introduced its own bill, which provided that the President appoint all board members; the Congressional bill, pushed strongly by legal service supporters, stipulated that board members be appointed by various public bodies. The current bill, for which most legal service supporters eagerly await passage, varies little from the original Nixon bill. Rosenthal explains that his colleagues are now willing to accept such a bill because of the outlandish restrictive measures (including Philips' activities) the Administration began to impose after the original veto and because they now have greater confidence in their ability to generate enough national support for the program to counter any attempts that may be made to undermine it.

Each of the bills debated and passed through various stages of the legislative process has proclaimed as its primary aim the shielding of the legal service program from political interference. The current bill may even provide some of that protection. For example, one of the often controversial components of the OEO program, the ability of a state governor to veto a project, has been dropped from the corporation bill. While such vetoes were more often threatened than used and where used were invariably overruled by OEO, the threat led to bitter battles and often demoralized the projects involved. The California Rural Legal Assistance (CRLA) fight with Governor Reagan is perhaps the best known, but similar bitter

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conflicts occurred in Camden, New Orleans, Dallas and north Mississippi.

Ralph Abascal, of the San Francisco Neighborhood Legal Assistance Foundation, and perhaps the leading welfare-law litigator in the country, feels that the end of the Governor's veto is a tremendous gain for legal services. Without it, Washington will enjoy substantial insulation from local political battles, and that should mean an easier time for the local projects.

There still remains the puzzling acceptance of total Presidential control of board membership. Only two important restrictions, in addition to the advice and consent of the Senate, are placed on the appointive power: the majority of the eleven-man board must be lawyers and not more than six may come from the same political party. While they may be merely accepting the best deal possible under the circumstances, it also appears that legal service supporters are now confident that the help of the American Bar Association, of the law schools, of judges and friendly politicians is sufficient to deter a President, even Richard Nixon, from stacking the board.

Though most legal service supporters see the corporation as a solution to many problems, it may in fact exacerbate an already existing difficulty—financing.

For the past few years, the legal service budget has been frozen at a little more than $70 million. During the same period, costs have risen substantially. The result has been a considerable drop in the effective service provided. Abascal points out that, where four years ago six full-time attorneys handled law reform litigation at the central office of the San Francisco Neighborhood Legal Assistance Foundation, today he and one other are expected to produce the same results. Si Rosenthal cites instance after instance of cannibalized programs, offices closed down or merged to maintain some service in the absence of sufficient finances. He says that experienced litigators cannot be kept because the salaries are too low. Even secretaries and other office personnel are hard to find, since legal service salaries are 25 to 30 per cent below comparable civil service levels.

This dismal picture may become worse in the corporation because of budgetary oddities under OEO. Perhaps $15 million to $20 million in additional annual costs have not been covered by the $70 million budget. Administrative expenditures of $7 million to $10 million are annually met, not through legal service expenditures but from the general OEO budget. These administrative needs—travel, telephone, etc.—will be part also of the corporation's overhead, but the now inclusive $70 million budget will not cover them. In addition, according to Rosenthal, various OEO officials have for some time diverted budgeted funds to particular unbudgeted projects. The diversion is covered by slip funding, which means that a budgeted project will be funded for less than a year, the remainder of its money being channeled to another project. Thus, the corporation will need far more than the $70 million budgeted under OEO. Both Rosenthal and Abascal worry that more sophisticated opponents of legal service may not need the bluntness of Howard Philips. They can and will use financial tourniquets to hinder aggressive legal representation.

At the same time Abascal sees a kind of tiredness spreading among legal service attorneys who are no longer willing to put up with the shortages, lack of secretarial help, lack of copying facilities, etc. They may not leave the projects, but they no longer provide creative, aggressive thinking. The situation suggests a parallel with the recent history of the Peace Corps. In its early days the Corps was a dynamic growing body; of late, it has failed to attract good staff and good volunteers, and is now seldom mentioned in public discourse.

Whether or not the new corporation can solve these troubles, the change will probably generate a reassessment of legal services. Up to now, there have been few serious evaluations; only when a dramatic lawsuit is won or a political battle breaks out does the program receive the attention of the press. [See "Lawyers for the Poor: Somebody is Always Offended" by Sheldon L. Greene, *The Nation*, December 14, 1970.] Consequently, little is understood of the organization and its influence. Two examples—the national coordination of poverty law issues and the impact of the program on the bar itself—may suggest the kind of activities that have been neglected in the public debate but that are of profound importance in evaluating the federal program.

Despite limited financing, understaffing, overwhelming case loads and political opposition, the poor have gained access to a high level of efficiently organized professional help. It is through first-class coordination and the efficient use of limited resources that much of the success has been achieved. From its early days, poverty law has attracted some of the very best graduates of the nation's law schools. Even by doubling and tripling starting salaries the big corporate law firms have failed to grab off the best young lawyers. This already existing interest in legal service has been heightened for several years by a national recruiting program, the Reginald Heber Smith Fellowships. The fellows are carefully selected, given higher starting salaries and special training, and placed in local projects around the country. The fellowships take much of the hiring burden from local projects and provide them with some of their best lawyers.

While most professions offer ample resources to keep their members informed, legal services have been particularly efficient in this respect. The National Clearinghouse, a federally funded project in Chicago, has on file more than 5,000 significant poverty law cases and publishes a monthly journal which briefly describes a selection of the most important. The selections focus on innovative legal arguments, cases of broad relevance and developing poverty law issues. Copies of successful pleadings and briefs are available for use by the neighborhood offices. There is also the fortnightly *Poverty Law Reporter*, which covers in depth developing issues, cases filed, judgments, etc. These services provide quick access to the best legal thinking on poverty law issues and give the isolated attorney an invaluable resource for spotting issues, for keeping abreast of developments, and for obtaining model pleadings for his own cases. Although the number has diminished recently, frequent conferences on particular legal topics such as welfare, landlords, tenants and consumers were held in the past, so that ideas and experiences could be exchanged. The opportunity to hear experts and to discuss and argue with them and other lawyers has meant a

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great deal to a program dominated by lawyers with only a few years' experience.

There are at present fifteen or more "back-up centers." These are small groups of lawyers and related professionals who specialize in particular legal areas: youth, the elderly, the consumer, health. The centers prepare educational materials in their specialties, answer questions from the neighborhood offices, and join in suits with local lawyers. Although, as Tom Adams, directing attorney of an office near San Francisco points out, the quality of the back-up centers is very uneven, they have done much to stimulate thinking on poverty issues, to provide a fund of knowledge in a new area of law, and to coordinate the training of inexperienced lawyers. The exchange of information from back-up center to neighborhood office, from office to office in the *Clearinghouse Review* and from person to person at the conferences has stimulated a high degree of creative thinking about the many legal problems of the poor. Often the important, dramatic victory has been won because individual lawyers were made aware of particular issues and their supporting arguments. In California, the Western Center on Law and Poverty was instrumental in the school financing victory, *Serrano* v. *Priest*. The Columbia Center on Social Welfare Policy and Law is a valuable tool even for Ralph Abascal, who probably knows as much as anyone in the country about welfare law.

Two examples, the use of para-legals and the development of group legal representation, suggest the effect of legal services on the bar. Para-legals, workers without law degrees, have been effectively used by legal service offices since the program began. At first they were brought in to ease the tremendous case load; later, it was found that they often possessed skills lacking in the lawyers. In Santa Cruz, elderly para-legals are employed to help other elderly persons. CRLA has always used former farm workers to assist the lawyers in understanding farm workers' problems. Now private law offices have become eager employers of para-legal workers.

Group representation, perhaps the most significant development in the legal field in many years, has definite roots in legal services. The rich have always had lawyers, but that the poor should also be well represented has made inevitable an attempt to meet the needs of the neglected middle classes. Within a short time, labor union members, consumer organization members and constituents of a wide spectrum of identifiable groups may have access to attorneys who, offering group practice, can promise lower fees and special consideration. In California, which led the way by permitting group representation in 1971, more than 140 firms already provide some such service. [See "Is 'Lawcare' Next?" by Sheldon L. Greene, *The Nation*, December 11, 1972.]

Legal services has been the source for a number of the most successful early practitioners of group representation. Jim Lorenz, former director of CRLA, is a member of the statewide firm which has sued the California bar to stop its attempt to monopolize the group representation field. The bar there set up its own program of group representation and, in a convenient bit of rule making, permitted its group to solicit clients, while prohibiting such "un-lawyerly" activity by any other firm. A Los Angeles-based firm, headed by former legal service lawyers, has been sued by the bar for violating the rules on solicitation. The legal service attraction for controversial litigation seems to follow its practitioners right out of poverty law.

Lorenz feels that group representation could provide a tremendous service to the unrepresented, but says that the real push is coming not from the potential clients but from lawyers who wish to tap a new source of income. The frightening specter of no-fault insurance, coupled with the tremendous increase in the number of law school graduates, has made lawyers nervous about their handsome annual incomes.

As the legal services program approaches its tenth anniversary and takes on a new institutional form, perhaps the public debate will rise from epithet tossing to informed criticism. Currently, legal services is not a national undertaking; many cities, towns and rural areas lack representation. At the same time, nowhere else in the world can one find the same aggressive, imaginative advocacy on behalf of the poor. While Chief Justice Burger, like Miniver Cheevy, curses the lawyers he presides over and yearns for be-wigged barristers, the English in the past year have begun establishing neighborhood offices staffed with full-time lawyers. A public corporation may now give the legal service program the chance to grow up and expand, without becoming stodgy like the Peace Corps. Its emulation elsewhere suggests its value. What it needs is money and freedom from political harassment. □

LETTERS *(Continued from page 194)*

achieve independence or to win even the most meager of humanitarian reform measures.

In Angola blacks cannot own land—land that originally belonged to them and that has since been stolen from them. It is a criminal offense for a black son to reside with his parents unless issued a special permit to do so. Not only are whites forbidden by law to teach an African to read or write but any African lucky enough to be able to do so cannot pass on his learning to children or friends. Blacks may not serve on a jury, and many acts are punishable by death without due process of law or trial. No black may earn a wage equal to that paid to a white doing the same or comparable labor. . . . Black Angolans are treated as beasts of burden without even the protection given animals by our SPCA.

The production of coffee, Angola's number-one export, is characterized by the forced labor of black people. The beneficiaries are, in the main, General Foods, Nestles and Standard Brands. Those of us who use their products—Maxim, Maxwell House, Brim, Sanka and Yuban; Taster's Choice, Nescafé and Chase and Sanborn coffee—give our consent to this unconscionable exploitation of helpless blacks. . . .

To ask your question whether dictatorships "are worth buying" when "we don't even know what restrictions will be placed on our purchases when the trouble starts" is on a par with asking whether it's worth buying cheap stolen goods when we don't even know whether we'll be caught in the act and have to forfeit our ill-gotten gains. If that is the recommended criterion on which to base foreign policy, then all you are saying is that rags are better than tatters. *The Nation* might be expected to offer a better alternative.

H.N. Peterson

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BOOKS & THE ARTS

Thirty Pieces of Silver—& the Crown of Thorns

ANEURIN BEVAN: A Biography. Vol. 2, 1945-1960. *By Michael Foot. Atheneum Publishers. 692 pp. $13.95.*

RONALD V. SAMPSON

Mr. Foot's massive two-volume biography of Aneurin Bevan is an extraordinary *tour de force.* A close friend and colleague of Bevan, now M.P. for Bevan's own constituency of Ebbw Vale and leading Parliamentary spokesman for the Labour Left, Foot writes almost as Bevan's *alter ego.* The result is a political portrait of almost life-size dimensions of the powerful Dantonesque tribune of the British working class, their most eloquent spokesman in the dawn of their political coming of age. Bevan, the man, emerges as intellectual and man of action, animated by a large vision, warm-hearted, ironically humorous, deeply loyal, and on the reverse side of the coin, often domineering, liable to occasional rage and vitriolic invective, capable of "cold hatred."

The youngest member of Attlee's Cabinet in 1945, today he looms larger than any of the gifted second generation of Labour's leaders, because in all his strategic and tactical maneuvering he never lost sight of his guiding vision of human destiny. In this second volume, Bevan, the courageous critic of Churchill's military and domestic wartime strategies, appears in the new role of administrator, faced with the prodigious task of negotiating with an overwhelmingly hostile medical profession to establish a National Health Service. By combining inflexible determination, personal charm and a hitherto unsuspected capacity for patient diplomacy, he succeeded against all odds in persuading the doctors to agree to work a scheme in which every member of the public would enjoy the right to free medical and hospital treatment, and in which doctors would exchange their right to buy and sell medical practices for employment remunerated by a combination of salary and capitation fees in a regionally administered National Health Service.

This immense scheme, implemented only after prolonged and often bitter struggle, but welcomed by the people at large as a major step in freeing them from anxiety in sickness and accident, in childbirth and in old age, was seen as the central citadel of the welfare state, envisaged by Beveridge and enthusiastically welcomed by Bevan as a crucial development toward full socialism. But if the cataclysmic upheaval and dislocation caused by the war had made it possible to extend the sphere of collectivist enterprise and control in the interests of greater equality, it was also responsible for reinforcing a climate of extreme economic instability and imbalance. The economic pressures, originally generated by President Truman's sudden cessation of Lend-Lease and the American insistence on the convertibility of the pound, and further aggravated by the severe fuel crisis of 1947-48, were subsequently enormously intensified as a result of the cold war in Europe and the hot war in Korea. Bevan, after a long struggle and endless maneuvering to protect his housing program and the principle of a free Health Service despite the high cost of prescriptions, found himself forced to make substantial cutbacks. Huge panic increases in the "defence" budget as a result of American and Tory pressure on Attlee during the Korean War, and the insistence of the Labour Right on introducing charges for dentures and spectacles, led eventually to Bevan's resignation from the Attlee administration.

The conflict between the alleged requirements of "defence" and the resources available for housing and welfare services during Bevan's six years in office foreshadowed the conflicts between the Gaitskellites and the Bevanites which rent the Labour Party in the 1950s. Skeptical of the view that the USSR harbored aggressive intentions against the West (if only because of the figures for Soviet steel production), he grew more and more restive at the failure of the Labour leadership to mount an offensive against Macmillan's subservience to Dulles' crusading anti-Communist foreign policy. The complete failure of Western diplomacy, frozen in entrenched cold-war suspicion, to seize the initiative in seeking an accommodation with the USSR, he saw as amounting to indirect American control of British domestic policy, as well as a running threat to world peace. Defense expenditure out of all proportion to the capacity of the British economy to sustain entailed not simply a succession of crises in a stop-go economy but put beyond reach any further advance toward the establishment of socialism.

The first article of Bevan's faith, shaped by his experience of what the mining community of South Wales had suffered at the hands of capitalist industrialists in the shape of unemployment, starvation wages, neglect of elemental social services and the callous means test, was the establishment of a system of planned public control. His philosophy rested on the conviction that humanly rational priorities in production, distribution and consumption could only be achieved if the community as a whole had the power to impose them. To possess this power it was necessary not to control and regulate every private entrepreneur but it was necessary to take possession of the "commanding heights" of the capitalist economy. Even more than by Gaitskell's subservience to American foreign policy, Bevan was angered by his growing conviction that Gaitskell had no genuine Socialist intent, that his revisionist attempt to modify the party constitution represented at bottom the liberal's acceptance of the essence of the *status quo.* His distrust was confirmed by Gaitskell's attempt to shift the emphasis away from the shibboleth of nationalization, by proposals that the government should go into partnership with private enterprise in running key industries or should limit outright nationalization to firms that had "failed the nation" in order to curb the worst excesses of a capitalist system otherwise acceptable.

To have to learn to work with and under Gaitskell rasped his nerves and chastened his pride. That he succeeded in doing so was a measure of his determination not to be maneuvered out of the central arena of power. "The Labour Party," he said, "must have as its aim the establishment of a Socialist society. Otherwise it will have no significance in the life of the nation." Hence his lifelong dilemma. There was something of the poet and the visionary in Bevan as well as the realist and *politique.* Given the power of the Labour right wing with their control at that time of the trade union bloc votes, Bevan was frequently obliged to make concessions which went

Ronald Sampson is lecturer in politics at the University of Bristol. His most recent book is The Discovery of Peace (*Pantheon*).

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very much against the grain in order to avoid being driven into the political wilderness. The argument, as he saw it, is plain enough. In order to remedy social injustice and inhuman inequalities, it was necessary to create Socialist institutions. In order to create conditions of peace in the world it was necessary to conciliate and come to terms with Russia, and thereby achieve a settlement in Europe and the Middle East as necessary prerequisites of agreed disarmament. In order to do these things, it was necessary to win power, which after the Tory fiasco at Suez *seemed* almost tangibly within Labour's grasp in the run-up to the 1959 election. There was, however, a major embarrassment. In the late 1950s a mass movement had sprung up, generating immense enthusiasm in all parts of the country—a movement which demanded unilateral renunciation by Britain of nuclear weapons. Revulsion against this horror and disgust at the hysteria of the cold war produced spontaneously a tidal wave of resistance. It was a political force which the Bevanites had sought in vain to foment in favor of public ownership. But Bevan, by his attacks on cold-war policies, by his savage attack on the government's Defence White Paper of 1954, with its decision to proceed with the manufacture of the British H-bomb and its insistence that Britain would reply to a Russian conventional attack with nuclear retaliation, was the natural political focus for the unilateralists' fervent if anxious expectations.

What happened is well known, nor could it have been in any serious doubt. Bevan made his celebrated speech at the 1958 Brighton Conference of the Labour Party, in which he spoke of the irresponsibility of which the conference would be guilty if it sought to commit a future Labour government to disrupt every British alliance by enforced nuclear renunciation, and pleaded with his comrades not to send the next putative Foreign Secretary "naked into the conference chamber"—a phrase not likely to be forgotten for as long as men struggle to rid themselves of this menace. Unilateralism he denounced as an "emotional spasm." It would be difficult to exaggerate the shock his speech caused in the climate of the time. "I felt as if I had been present at a murder—the murder of the enthusiasm that has built the Labour movement," wrote a veteran Labour right winger. ". . . Not since the days of Ernest Bevin have Socialist misconceptions about the place of force in foreign policy been so scathingly exposed," wrote the Tory *Daily Telegraph*.

Foot himself is acutely embarrassed. He disagreed with Bevan to a degree that temporarily cooled their close relationship, but at the same time he is anxious to defend his hero against the attacks—usually more in sorrow than in anger—which deeply wounded Bevan and which still cling to his memory. Foot is a lucid and eloquent writer, the author of a classic political biography; but at this vital juncture he fails entirely to grasp the heart of the moral issue confronting mankind; and because he fails here, he also fails to penetrate to the core of the tragedy of Aneurin Bevan.

Defending Bevan against his alleged traducers, Foot writes, " 'Naked into the conference chamber' was transformed from . . . a reference to the relationship between Britain and her allies, into an outright defence of the most ancient gospel of tooth-and-claw politics." But this is an impossible distinction. It is akin to the squeamish equivocation which characterizes the British preference for Hobbes as against Machiavelli because Hobbes spares us the harsh impact of Machiavelli's brutally frank and uncompromising description of the logic of *raison d'état*, mandatory upon *all* its followers—viz., all statesmen and aspirants to that role. The bomb is tooth-and-claw all right; it is the supreme legacy of the tooth-and-claw activities of endless generations of statesmen. Was Bevan *for* or *against* the bomb? At Brighton the question could no longer be shrouded or evaded, and, wriggle as he might, Bevan was *for* it. *In his position*, he had no option. As he himself said, if Resolution 24 had been adopted at Brighton, "we could say goodbye to any Labour Government being elected again in Britain." As putative Foreign Secretary, simply even as one to whom the Labour Party was bone of his bone, the meaning of his life, he had no alternative—in his position. But he had no illusion as to the price he must pay either: "I think I can just about save this Party, but I shall destroy myself in doing it." "Do you think I am afraid?" he had cried out angrily and rhetorically at Brighton, as a gladiator enmeshed in the fatal net. No, he was not afraid; he was guilty, and he could not therefore escape the disagreeableness of the feeling, however ebulliently he struck out.

Bevan was ultimately a man of integrity who took the false path and strove to deceive himself about his self-contradiction. In the end it caught up with him and inflicted wounds that proved mortal. "The purpose of getting power," he was fond of repeating, "is to be able to give it away." But that is a fairy tale. It has never happened and can never happen. For if we give it away, having got it, he to whom it is given will then enjoy power over us. We might just as well say: "The purpose of being a bad man is to be able to be a good man." At some level, Bevan must have known this truth—witness his remark, "You know that the fellow across the table is suspicious of your motives because you know, in your heart, that you are suspicious of his." But for himself he could not accept the great sacrifice that would have been required. To a man of disappointed ambitions he is alleged to have said that the man's trouble was that he wanted the thirty pieces of silver as well as the crown of thorns. He could diagnose others with unerring skill, but to

MORNING ON THE RIVER

Little sufferer
the roosters are waking you up
crowing along the river
and at the shore
green lace fingers
gently plow
All the clocks in town
are saying 'now'
It's the dawn you dreamed
before you fell asleep

Nancy Ancrum

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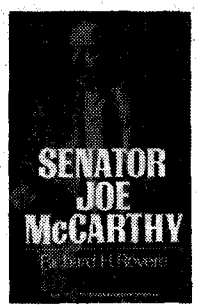

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convict oneself is hard, very hard. It seems easier to evade the crux, perhaps because we do not appreciate what a terrible toll such a conflict takes of our moral and nervous constitution.

If Bevan had listened to his conscience at Brighton, he would have ended his political career as George Lansbury had ended his. The Labour Party might conceivably have perished in internal schism; but mankind would have been one degree closer to safety. For nothing educates men so surely as the example of a life consistent and limpidly clear in its supreme loyalty to truth. As it was, Bevan obeyed the logic of power, his ultimate master, but he was not permitted to live to attempt to legislate peace and socialism. Bevan's life was the epitome of the classic Greek tragedy—a man of heroic stature humbled and finally destroyed by his own fatal flaw, the terrible delusion that mankind can be saved by means of power. □

Portrait of Mrs. Reed's Husband

SO SHORT A TIME. *By Barbara Gelb. W.W. Norton & Co. 304 pp. $7.95.*

ALAN CHEUSE

"You couldn't get away from him," Max Eastman recalled of his comrade Jack Reed. "He was too big and too loaded with energetic ideas. But also . . . you couldn't get *at* him. He was a little abstract, or abstracted, or impetuously just *passing through*, like a storm or an earthquake." Since Reed's death from typhus in Moscow at the age of 32, hundreds of pages have been expended by writers trying to get *at* him. But few have succeeded in giving us more than a partial picture of the young writer from Oregon who wrote the rowdy *Ten Days That Shook the World* and the lyrical "Tamburlaine," and founded both the American Communist Party and the Provincetown Playhouse. Was he the heir of Richard Harding Davis or of Jack London? Was he a martyr to the Russian Revolution or one of its first purge victims? Was he a gay, giddy, Fitzgeraldian caricature of the revolutionary who played moth to Russia's flame? Or was he the only writer of his generation whose life linked belief to action?

One of the first attempts to resolve the paradoxes of John Reed's life was made by his friend John Dos Passos in the biographical sketch called "Playboy" in the novel *1919*: Reed was a playboy turned revolutionary,

> son of a United States Marshall, a prominent
> citizen of Portland, Oregon.
> He was a likely boy
> so his folks sent him east to school
> and to Harvard.

Dos Passos paid tribute to Reed's talent as a writer by contrasting it with his apparent lack of analytical abilities. He did, however, allow Reed easy rest in his grave beneath the Kremlin wall. Most of his subsequent biographers have attempted to resurrect Reed in order to project their voices through the lips of his corpse. Bertram Wolfe, in his widely circulated introduction to the Vintage Russian Library edition of *Ten Days That Shook the World*, leads the ranks of this rather ghoulish company, and Sidney Hook plays the fife and beats the drum.

How disheartening that Barbara Gelb, the only new Reed biographer of the last twenty years, has aligned herself with this odd band. Having had the good fortune, while writing a biography of Eugene O'Neill (in collaboration with her husband, Arthur Gelb, an editor of *The New York Times*) to have uncovered a correspondence between Reed's wife and O'Neill—a correspondence apparently unknown to Granville Hicks and the team of Richard O'Connor and Dale L. Walker, the only sympathetic biographers Reed has had in the last forty years—the possibility loomed before her of writing a biography in which a fresh view of Reed's personal life might illuminate his public self. But Mrs. Gelb has missed this chance and given us instead yet another version of Reed as the heedless, heart-first romantic whose private life was as thoughtless as his public one, and whose wife was even more pathetic and frivolous than he.

Who then was Jack Reed? Barbara Gelb responds to that question by asking, "Who was Louise Bryant?" and, with little gift for narrative but a great penchant for melodrama, opens her dual biography with a picture of Reed's wife on the eve of her own private sexual revolution:

> Louise Bryant Trullinger greeted her twenty-eighth birthday on December 5, 1915, in silent dismay. The day was cold and cloudy, typical of the long Oregon winter. But it was the fact of her age, not the weather, that distressed her. Louise had an obsessive image of herself as a romantic heroine.

Within two years, she assures us, Louise

> would be the wife of a celebrated journalist and the lover of a man who would be America's greatest playwright. She would be on her way as a journalist herself, and be in Russia at the moment it shook the world.

"Would be . . . would be. . . ." Mrs. Gelb proceeds to make her case by means of quasi-fictional forays into her subjects' minds, and a string of future perfects in the vapid manner of the narrator of the television show, *This Is Your Life*.

The banal style is of a piece with her lack of insight into the significance of the bountiful materials afforded by Reed's short life. She is, in fact, so anxious to get Louise Bryant into bed with him—and then into bed with the Hairy Ape—that she skips merrily over the major portions of that life, which she grants, given her title, to have been quite short enough. Events which took Hicks, in his still useful biography of 1936, 200 pages to present—Reed's boyhood in Oregon, his prep school year in New Jersey, his undergraduate days at Harvard, his literary apprenticeship in New York, his love affair with Mabel Dodge, his encounters with the striking silk workers in Paterson and with the miners in Ludlow, Colo., his sojourn with Pancho

Alan Cheuse teaches literature at Bennington College.

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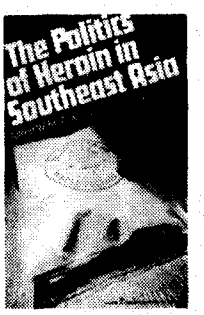

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Villa in Chihuahua and his experiences at the bloody battle of Torreón, his nervous breakdown and subsequent trips to the European front—Mrs. Gelb covers in 13!

Certainly the event she places in the center of her volume, the Reed-Bryant-O'Neill triangle—seems at first like news. The affair began on the Cape during the summer of 1915, while Reed and Bryant, along with "Jig" Cook and Susan Glaspell were organizing the first performances of the Provincetown Playhouse, and it continued into the autumn when the Playhouse crowd returned to its natural habitat in Greenwich Village. In November, while Reed was in the Johns Hopkins hospital recuperating from an operation on a chronically malfunctioning kidney, his new wife and the alcoholic O'Neill were together in the Reed apartment. With the exception of a volume of reports about her trip to Russia after the revolution, her duplicitous letters during this period were Louise Bryant's main literary effort; one has to credit Mrs. Gelb with evoking the pathos of this overreaching woman's life. After Reed died, she married their mutual friend of Russian days, William Bullitt, who later divorced her on grounds never made public but whose nature can scarcely be a mystery to anyone who reads Mrs. Gelb's account of how Bryant enticed O'Neill into their dingy love affair.

But in a text in which we hear about Reed's being "overcome by a surge of love" for a wife who is "full of love and longing" for him, the news never seems far removed from soap opera. And although the entire second half of the book focuses upon Reed and Bryant in revolutionary Russia and offers copious excerpts from their reports of the Bolshevik upheaval, the tone of the earlier section remains to haunt the reader. The revolution seems itself to fade away into the background as we wonder, with our commentator, if young John will reach America in time to meet his sweetie and testify at the *Masses* trial. It all sounds like "Bonnie and Clyde Go to the Finland Station."

Reed's public life thus appears in Mrs. Gelb's account as indelibly stained by the events of his personal life. Nothing demonstrates this dangerous inference better than her version of the crucial period after the publication of *Ten Days That Shook the World*, when he was struggling to have his faction of the American Communist Party recognized by the Bolsheviks over the Fraina faction. Of that time in which Reed discovered the conditions for victory in private as well as public political battles, Mrs. Gelb, nourished by the turncoat muse Ben Gitlow, knows only a vulgar interpretation. Zinoviev, she suggests, blocked Reed's departure from Russia in order to keep him from bringing back news of Bolshevism's evil methods to a waiting world, and this enforced stay led ultimately to Reed's infection with typhus and his death; but Reed, although he knew about Zinoviev's nefarious plot, would not say a word about it in print:

> Nothing Reed wrote during this period gives any indication that his enthusiasm and support for the Communists were diminished. Being a guest of the Russian government and with no place else he could safely go, Reed would have been extremely foolhardy to express openly any feelings of disenchantment.

Thus the cuckold in marriage became the cuckold in politics. But Reed, among other things, *was* one of the most foolhardy creatures of whom our country's literature can boast. He went to jail with the silk workers at the cost of his health and led them in Harvard-style yells, ate raw meat with Pancho Villa's troopers in the *campo*, defied the Czar's order to leave the Russian front, fired a German weapon at French lines, dared the United States Congress to imprison him for sedition, and, to name one of the most zany *and* foolhardy actions, once, with the help of a friend, charged up to Lenin after a speech and carried the kicking and screaming Bolshevik leader from the meeting hall on his shoulders as though he had just scored the winning touchdown against Yale.

This John Reed would not have buttoned his lip for anyone, especially the revolution. For that mistress, he ran his own poetry into an early grave and refrained from completing the novel his friends urged him to write. But if he lacked the mental solitude necessary for poetry and the self-consciousness that is prerequisite for writing novels, he found a mean in an expository prose style subjective enough to express the passions of his simple but resonant heart without betraying the accuracy of his objective eye. His *Insurgent Mexico*, the book version of his newspaper accounts of Villa's role in the Mexican Revolution, is, in fact, one of the classics of modern American prose, matching the attempt Lawrence made to come to terms with the land and culture of Mexico; *Daughter of the Revolution* rivals the power and insight of Hemingway's prose sketches of the period; and *Ten Days That Shook the World* is one of the most important works of nonfiction in 20th-century America—after *Walden* and before *Armies of the Night*. Our vision of the Russian Revolution depends largely on the way in which Reed fused his plain style with momentous historical material.

This John Reed eludes Mrs. Gelb, just as he has eluded recent generations of students on the Left who, when in need of heroes, imported figurines from China and Cuba instead of looking at home for a model of physical courage, revolutionary fervor, abundant talent and indefatigable optimism. John Reed, the bastard offspring of Emerson and Marx, changed the world as he interpreted it. Instead of papering him over with love letters or slogans, the best tribute we can pay him is to read his books. □

When We Learned to Look Forward

CAPITALISM AND MATERIAL LIFE, 1400-1800. *By Fernand Braudel. Translated by Miriam Kochan. Harper & Row. 462 pp. $13.*

ASHER BRYNES

We live in a progress-haunted age. Take our notion of how to expedite progress in the field of basic energy research, the big problem of the moment. We have already racked out a schedule. There are about forty nuclear reactors operating in the United States today and an equal number abroad. We'll have a new model of reactor ready for operation in 1980 (some estimate by 1983); the new reactors will be able to more than double the energy we can process out of each pound of uranium. By 1990 they will have replaced practically all the present reactors. Finally, in 2000 we will have fusion power, all the energy men have dreamt of since the beginning of the world, limitlessly supplied by water from the oceans.

This miracle will come wrapped in a bonus of benefits: it works without any cancer-inducing radiation; it is as harmless as the sun—in fact it is the process of sunlight packaged for use by earthlings. Of course we have some doubts about our ability to do all that on time, but the lack of full knowledge can't stint us of our expectations.

Asher Brynes has been a senior staff member of the Senate Foreign Policy Committee and has served also in the Departments of Commerce and Agriculture. He is the author of We Give to Conquer *(W.W. Norton).*

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Professor Braudel, the most influential French historian of our postwar era (President of the Ecole Pratique des Hautes Etudes in Paris and editor of the review *Annales*), teaches modern history, but has specialized in the analysis of its beginnings. In this he follows Jules Michelet, the contemporary of Marx and Engels, who wrote when they were alive: "Without a geographical basis the people, the makers of history, seem to be walking on air as in those Chinese pictures where the ground is wanting. . . ." Braudel's basic frame is the earth under our feet and the seas around us—what populations in what areas, at work or play, in what ways. Braudel himself seems to have tramped the countryside in all weathers, like Michelet; he has a similar sense of landscape as the setting in which men make history.

His narrative moves from the undramatic look of the countryside to the limitations its static quality imposed on men. "Let us assume," he says, "that men's whole life is restricted by an upper limit. This boundary between possibility and impossibility is established (or set) for every period, even for our own; it marks the line between what can, with effort, be attained, and what remains denied to men—in the past, because food supplies were insufficient, populations too large or too small, labor not sufficiently productive and the taming of nature scarcely begun."

The frontier zone between these two worlds is handled by Braudel as if it were a constant, a gap established by nature which can only be modified by science. Since science before 1500 was yet unborn (except for astronomy), Europeans were incapable of looking ahead. They could only look back to the dead civilizations of the Mediterranean, to Greece and Rome. Their Renaissance was really a recession overall, and what Europeans brought back from their return to the past was nothing particularly useful for the improvement of the quality of life—outside the world of scholarship. However, in the countryside at that time the old routines of ploughing, harrowing, seeding, cultivating and harvesting slowly grew more efficient; and along with this growth of human efficiency in the fields around the towns some of the big towns became metropolitan centers, veritable capitals of nations, centers of political and economic administration. The discovery of America was one of the early results of improvement in the technology of navigation. This, in turn, more than doubled the land area of the Europeans who made the discovery, adding the New World to the Old, and international trade grew in proportion.

Suppose, Braudel muses, that a really competent economist, a national economic planner of the quality of, say, Giscard d'Estaing, were pushed into an airplane flying back to 18th-century France. What would he do? What could he do? Assume that the three Kings who successively ruled France through that century had already vested in him all of their authority in domestic matters.

What such an economist would learn, after a few days' probing and trying, was that the Frenchmen he was attempting to counsel, even under the Sun King's authority, had their minds set in economically old-style ways. The men of substance among them were what modern economic historians call mercantile capitalists in an age when mercantilism was the prevailing fashion. The most powerful of the Kings they lived under, Louis XIV, had already appointed one Jean Colbert as a chief economic adviser; he and Giscard would begin by trying to work harmoniously together. What today's economist would learn from the older one is that there is a "natural" limit to the power to tax. Under direct orders from his royal master Colbert taxed these capitalists for the most serious of political purposes, to maintain French security. But persons taxed feared bankruptcy more than national insecurity; the bourgeois who have lost their capital are really worse off than a King who has lost a few battles. He can fight again and perhaps win, but they have been put out of business entirely.

So ultimately it was the King, not they, who went bankrupt. They already had devised the trick of keeping double sets of double-entry books of account. After this became clear to Giscard d'Estaing he would probably ask the sponsors of his ride to the 18th century for plane fare back to the 20th.

The power inherent in capital was already apparent to those mercantilists, and knowing the limits of production in those times far better than any modern economist could try to calculate them, they knew the practical limits of that power. What can any economist do, no matter how clever, to ginger up an economy whose top speed is that of a trotting horse? Whose steady gait is that of a man carrying a burden on his back? The people of Braudel's period could indeed boil water; but until his final century they could not raise steam for any purpose other than to animate a toy. They normally lost major fractions of their basic food crops: wheat, rye, barley, oats and maize to insects, mice, rats and other vermin. And they also lost a major fraction of their children to infectious diseases that are so seldom seen today that we have almost forgotten their names: cholera, bubonic plague, typhus and the deceptively similar typhoid fever, diphtheria, smallpox, and so on. Our ancestors lived with the sad knowledge that they must beget a dozen children if they wanted to raise three or four.

During the religious wars of the 17th century, when central Germany was the chief scene of conflict between the Protestants and Catholics of Europe, and there was so much marauding that the population of that area fell by a third, the nobility of the warring nations found a new way to kill time between the battles. The French have a word for it: *gourmandise*. Dinners of between seven and twelve courses were commonplace among the generals and other notables; state dinners involved from fifteen to twenty courses. And those lavish displays of food were made at a time when 90 per cent of the surviving peasants in the fields had to handtill the earth from sunup to sundown. No wonder, as Cicely Wedgwood, the historian of these wars, remarks sourly, so many of the generals and colonels died before they were 40 of what oldtime physicians used to call acute in-

(Continued on page 219)

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MOVING IN TIME

I

Even dead you were a good swimmer. They dragged
the river four days to bring your body in.
By then the waters equalized: so much weight
displaced, leaving you free to float like the car
that drove you, new in the fall, mechanically sane.

That other, older nun, still wearing the long black
deathrobes, strapped in place, current pulsing
through her grim chair. Beyond the pious letters
I am with you, working free of the wreck out there,
my younger friend. They tried to hold you in
with licenses, make her ID yours, no matter.

Behind you someone watched the chassis spin,
your strong hands reassert control. Then
the acrobatic leap past guard rails, learned imperatives.
Your upside-down machine wheeled air.
Five hundred miles east, I hear the tight-wound
four-day watch, prayers less cold and dead,

repeated calls from State Patrols. The old
and sickly shrinking farther back. What is He
trying to tell us? The question, formal, in the only
rhetoric we know. They've buried what you left.
I scream across the party line, mad mourner
in an intermittent wake, waves rocking me down deep.

II

To find those parts where water laps under pilings:
bones of a dancing girl the beat has forgotten.
Smiling, you riffle the dark for a bright image
till something twists clear and moves on,
free forms over sand. Your breath in a globed float
might resurrect its net. I am learning to follow
slow birds to raucous pickings. The faithful skeleton
lightened. Whitened to stand for itself.

What if I'm half afraid of shifting edges?
The violent river bed in sleep still moving?
Where I drive a road will open—air or water—
past women grieving on the bank. My craft, alive
beyond dull cylinders, full as the slow
plum of its own dark drift.

Madeline DeFrees

IN SILENCE

Patient things wait in nature,
having undertaken to be only what they are.

Crystals bedded in gneiss,
coral undersea,
robin eggs blue in the nest. . . .

"I may love you" (I hear my voice whisper)
"but remain silent—
never come looking.

'You' may have to find 'me'".

Frederick Morgan

'VOICE HAS TWO SHAPES'

For Chinary Ung, who tells how a marauding band crossed the Vietnam border into Cambodia in the dead of night to ravage his hamlet. He was two at the time.

Cradled in the crazed
one's arms, the child slept.
Fleeing from disaster, the
dream burst out of sleep.
Gunshot turned to firecrackers
in the childish brain. Red
slashed into black sky.
Cloudstuff rolled, orange
spilled into purple, spread.
In the stillness between,
teardrops glued, held by fog.
"Voice has two shapes?"
Nightmare slid to sunrise
as promise waterfalled.
Always after, the child
heard animal and angel song.

Etta Blum

THE ATHLETE

Sometimes, when the sun stands up
Right out of the ground

There's no doubt about it,
You're talking to a young man

Sudden as a haystack or a geyser.
Spouting a hatful of gold coins

Some kind of supernatural
Athletic energy fills the air

And you fall back
In astonishment, O
Where is misery, irony, despair?

Brassy, wearing the blue sky
Perched on his head like a bowler

He smiles like James Cagney playing George M. Cohan
Until you can't help staring:

Houses jump for joy,
Trees shine, and the birds with them,
Something takes your breath away

These rare days when he winks
As if it were all true,
As if there were some hope

After him even old hearts
Bounce in their beds like children,

Like a heavenly beachball he rolls on
Right through town like a trumpet.

Patricia Goedicke

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(Continued from page 217)
digestion—what we now know as heart attacks: coronaries or myocardial infarctions.

Alongside these showy activities of the Kings and their nobility, the early capitalists carried on their careers of quiet accumulation, separated by a generation or two from the peasants from whom most of them were descended. When they had enough disposable cash to decorate their living rooms they began to buy paintings they could understand without much reading of ancient books. Like peasants they carried a sense of the great outdoors with them when they moved into their new townhouses within the city walls. But in the early paintings of Braudel's pre-capitalist period, bits of the world outside are seen only through curtained windows, or between the colonnades of public buildings. In the third of his centuries, the 17th, when the mercantile phase of capitalism matured in Amsterdam, whole landscapes began to be painted, not to illustrate scenes from the Bible or Greek poetry but to show where and how ordinary people lived. Even a grandee of art like Peter Paul Rubens, who was an ambassador as well as a painter, painted landscapes which he managed to fill with the bustle of weather in Flanders, as well as with the animation of his overweight nudes. Rembrandt, the supreme painter of the period, went a step further and sought to reproduce on white paper the effect of sunlight. Lesser landscape specialists, Ruysdael, Cuyp and Steen, Brouwer, filled their pictures with thunderhead clouds and farm animals and toiling or merry-making peasants, mud puddles and rotting barns.

As Braudel draws his panorama of European life through the centuries before the French Revolution, we begin to understand how the businessmen's world of foresight and calculation, of counting days and dollars, grew up beside the world of the peasants who counted by the seasons. It seemed natural to the former to overlook the rural landscapes from which they received their meat and potatoes, their bread and butter, fuel and cordage and cloth and metals. The countryside was so undramatic, so tame; men wanted to forget the limitations that its static quality forced on them.

Europeans used to be incapable of looking ahead with the progress-haunted euphoria which seems so natural to us, so much our manifest destiny that we feel we need only to count the days ahead to solve anything, even the mystery of squeezing energy out of sea water. □

Book Marks

CAREY McWILLIAMS

THE CHICANOS: Life and Struggles of the Mexican Minority in the United States. *By Gilberto López y Rivas. Translated and edited by Elizabeth Martínez and Gilberto López y Rivas. Monthly Review Press. 187 pp. $7.95.*

An English edition of a study first published in Spanish in Mexico and previously noticed. The author is a graduate of the National School of Anthropology and History of Mexico, at present a doctoral candidate at the University of Utah.

HOLLYWOOD NOW. *By William Fadiman. Foreword by Irving Wallace. Liveright. Selected bibliography, index. 174 pp. $6.95.*

There is no end to the nonsense that has been written about Hollywood and it goes on and on. So it is a pleasure to note publication of this modest volume, based on thirty years of experience in the industry, which tells the reader what Hollywood is now and how it functions. Mr. Fadiman tackles his subject in the right way, with chapters on the industry (an excellent analysis), the agent, the director, the star, the writer, the producer, and concludes with some thoughts about the future of Hollywood. Refreshing, realistic, entertaining.

INFLATION: The Permanent Problem of Boom and Bust. *By Robert Lekachman. Random House. 121 pp. $5.95. Paper $1.95.*

Expert analysis of a major problem; lucid, politically astute, perceptive. The author is a *Nation* contributor.

CULTURE STORM: Politics and The Ritual Order. *By H. L. Nieburg. St. Martin's Press. Notes, index. 262 pp. $8.95.*

An interesting analysis of the "culture storm" of the 1960s, which Nieburg sees as the first all-consuming wave of social change to strike the Western world since the period of the 1920s. "Nothing has been left untouched—manners, dress, the arts, morals, education, all public priorities." The author attempts to assay "the nature of that storm, especially as it shaped and modified repertoires of political behavior." The "youth culture" of the 1960s is now a prime subject for investigation and analysis, and the probing,

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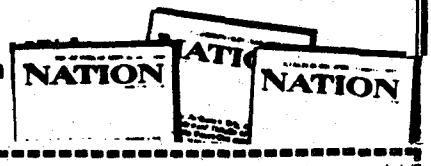

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debate and interpretation will be protracted. The author is a *Nation* contributor.

LABOR MARTYR: Joe Hill. *By Gibbs M. Smith. Grosset & Dunlap. 286 pp. $6.95.*

A thorough, scholarly study of Joe Hill's life and influence, accurately and fairly described by Joyce Kornbluh in the introduction as "the most complete factual account to date, and a book which ably fills the existing gaps in information about Joe Hill's personal life and the circumstances surrounding his experience in Utah." Complete notes, documents, bibliography, check list of Joe Hill songs by Archie Green, and index. O.N. Hilton, in his eulogy, said that Hill was "always clear-eyed and unafraid. He said to me one day, 'Judge, duty is the principal thing. There is always some sweetness sooner or later in doing that, but without it the best things will turn to ashes and to dust.' If you can find a midnight assassin with such an exposition of the principles of right doing, then I confess that the entire fabric of our nature is false and untrue."

CULTURE AND THE RADICAL CONSCIENCE. *By Eugene Goodheart. Harvard University Press. Notes, index. 179 pp. $7.95.*

Goodheart, like Nieburg, is concerned with the "culture storm" of the 1960s. "If the 'radical conscience' has not prevailed in cultural matters, neither have its adversaries. The counter-culture has failed to achieve an alternative culture, and its hold on young people and guilt-ridden adults has waned. But the field has not been left to its unvanquished adversaries, as the continuing disaffection testifies. And this is hardly surprising, given the bankruptcy of the custodians of the cultural tradition. Their failure to defend the tradition or to articulate a persuasive commitment to it is an unmistakable sign of bankruptcy." Goodheart has contributed to *The Nation.*

OTHER VOICES: The New Journalism in America. *By Everette E. Dennis and William L. Rivers. Canfield Press. Annotated bibliography, index. 224 pp. $5.95.*

An interesting examination of the divergent journalistic voices of the 1960s. The authors attempt to define, categorize, present and examine the voices making up the new journalism: the alternative press, the media reviews, advocacy journalism, the underground press, and other new forms.

THE CASE OF THE LEGLESS VETERAN. *By James Kutcher. Pathfinder Press. Notes, documents, index. 255 pp. $8.95. Paper $2.95.*

A new edition of a revealing case history of the witch hunting of the Joe McCarthy years. Kutcher was a disabled veteran discharged from a clerical position in the Veterans Administration because of doubts about his loyalty! Worth reading again not merely as a reminder of the cruelty and folly of the great witch hunt but for what it has to say about the intra-Left feuding of the period.

YEAR ONE OF THE EMPIRE. *By Elinor Fuchs and Joyce Antler. Houghton Mifflin Company. 233 pp. $5.95.*

An ingenious and most interesting documentary play about American involvement in the Philippines at the turn of the century, with notes, selected bibliography, biographies of the cast and chronology. The dramatic form works better than one might imagine. It condenses and highlights what should be said in retrospect about this unhappy chapter in our history, not as vile as Vietnam but bad enough. The title, incidentally, is taken from a *Nation* editorial of February 8, 1900, quoted on the title page.

EAGLE FORGOTTEN. *By Harry Barnard. Lyle Stuart. 496 pp. $6.95.*

A new edition of Harry Barnard's splendid biography of John Peter Altgeld, a book that belongs in the library of all those interested in the native American radical tradition. Indispensable, irreplaceable.

EL PUEBLO GRANDE: A Nonfiction Book About Los Angeles. *By John D. Weaver. The Ward Ritchie Press. Illustrations. 160 pp. $6.50.*

The author, who "crossed the plains in a covered Chevrolet to homestead in the Hollywood hills," circa 1940, has written an entertaining introduction and guide to Los Angeles complete with notes on such landmarks as Angels Flight, the Bradbury Building, Olvera Street, Pershing Square, the Plaza de la Raza, and the Watts Towers.

FAREWELL TO MANZANAR. *By Jeanne Wakatsuki Houston & James D. Houston. Houghton Mifflin. 177 pp. $5.95.*

The Wakatsukis were one of the first Japanese-American families to arrive in Manzanar, an internment camp hastily put together in the high mountain country east of the Sierras. Mrs. Houston was 7 years old when the family took up residence in the camp. A valuable memoir of an inglorious episode of World War II.

UP-WINGERS: A Futurist Manifesto. *By F. M. Esfandiary. John Day Company. 160 pp. $5.95. Paper $2.95.*

Just what the author says it is—a manifesto. Manifestoes are rather like theatrical performances; about all you can do is listen. The beat of assertion, one right after the other, defies analysis. But the manifesto serves a purpose, which is to contradict, outrage and upset accepted notions. Mr. Esfandiary is by self-definition "neither a Right-winger nor a Left-winger" but an "Up-winger" whose philosophy is Optimism, Universalism, Immortality. Nothing fazes him: neither wars nor revolutions nor the energy crisis. We live "in a glorious time," we have "new visions to fulfill," and Mr. Esfandiary wants us "to get on with it."

SOMOS CHICANOS: Strangers in Our Own Land. *By David F. Gomez. Beacon Press. Index. 204 pp. $8.95.*

Still another book about Chicanos by a young Chicano activist who entered the priesthood but is now studying law at UCLA. Contains an account of the riot which resulted in the death of Rubén Salazar, the brilliant columnist and reporter for the *Los Angeles Times.* The riot occurred in 1970 in the East Los Angeles barrio, a section which is now seeking to become a separate city within a city. Incidentally, the County of Los Angeles recently (January 4) paid $700,000 by way of indemnity for the death of Salazar, who was struck in the head by a tear gas shell fired into a bar by a deputy sheriff. Dodge City rough stuff carries a high price tag these days. The author has written for *The Nation.*

THE AMENDMENT THAT REFUSED TO DIE. *By Howard N. Meyer. Chilton Book Company. 250 pp. $7.95.*

The "biography" of the Fourteenth Amendment. An important study which will be reviewed in a later issue. Notable in particular for the background it provides. In a sense the Fourteenth Amendment is the cornerstone of the constitutional structure. It has long needed this kind of "biography."

THE WATERGATE FILE: A Concise Illustrated Guide to the People and Events. *By Bruce Buschel, Albert Robbins and William Vitka. Edited by Rod Norland. Flash Books. 158 pp. $3.95.*

A guide to the voluminous Watergate materials—news stories, testimony at the Congressional hearings, documents, depositions and court records—prepared by four investigative reporters. An invaluable ready reference, and it makes fascinating reading. □

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DANCE / Nancy Goldner

Balanchine's newest ballet, *Variations pour une porte et un soupir*, would be a tragedy if it were not a comedy; and probably vice versa, though I'll stick with the former. It confirms, as has so much literature but little dance, the blood ties between tragedy and comedy. Out of this relationship comes the inevitable intermission discussion: what does the ballet mean? Each person cites the material evidence, and in this instance the talk inevitably turns to the respective party's view of life. It's the kind of theatre experience from which you can take off without having to return to the source. That turn of events is always a danger signal, indicating a lack of complexity and resonance in the work.

Variations for a Door and a Sigh is danced to *musique concrète* of the same name by Pierre Henry. Henry's score alternates between the sounds of a rusty hinged door and a so-called sigh; actually, the sigh sounds like either a respirator machine or like the deadened chimes and gongs that might accompany a Gerald McBoing-Boing cartoon. Balanchine's dance has three components: a male sigh, a female door and a silky black cloth fashioned by Rouben Ter-Arutunian. Fastened to the door's waist, the cloth is agitated by her movements and, occasionally, by backstage pulleys and fans.

Following the score creak by creak, and breath by breath, Balanchine sets up a physical juxtaposition between door and sigh. The door (Karin von Aroldingen) is tall. Her body does not bend, but breaks at the joints. Her motions, particularly those of her arms and neck, stop in midcourse, and her body parts move independently of one another. In the first part of the ballet she barely moves from stage center. Later on she does move, but only to set her cape in motion. As she moves to the left and right, a sliding white panel at the back of the stage follows her, to reinforce the idea of a mechanistic universe. She is frightening because she is a robot and damnably impassive. With her black cape fluttering, then billowing, then engulfing the back and sides of the stage, she is obviously fate, death, or simply the inevitable. When the curtain first rises one sees the sigh only. But as soon as a spotlight falls in back of the sigh to illuminate the door and her cape, the outcome is known. The door-cape apparatus will envelop the sigh.

The sigh's response to this situation is what constitutes the ballet's comic character. In contrast to the door, the sigh (John Clifford) is short and slight. He is a quivering mass, seemingly without joints. His arms dangle, his back hunches over, his head bobs. He is not old; his white hair connotes lifelessness, not age. He moves all over and everywhere, but with the driving randomness of panic or hysteria. Futility, and the ballet's comic sense, are encapsulated when one of his arms bangs at the air in fury or protest while the other arm encircles his throat in self-strangulation. The puppet Petrouchka bangs against (real) walls too, but with both hands. If the door is terrifying (or so she ought to be), the sigh is grotesque. The central image of his dances is a deep squat; he looks like a frog. There is an element of the profane in the squat and in other images too. For example, as the sigh inches toward us on knees so bent that his backside almost touches the ground, and as his arms bob over his knees as they move forward, I think of an Indian beggar. Instead of the sigh becoming pitiable, the beggar becomes disgusting. As the sigh, in profile, puts his hand on his head and his nose toward his armpit, Rodin's monumental men become mock heroic, his thinking man a simpering fool. Given the fact that the sigh's fate is sealed or that, in Balanchinian terms, he is trying to waltz to a march, his struggle is comic. The ugliness and desperation of his struggle makes the comedy terrifying (or so it should) and at times vicious, but no less absurd.

The viability of *Variations* rests not on the sigh's grotesqueness, however, but on a tension between the door's steady presence and the sigh's frantic fumblings; between the door's passive aggressiveness (which is sometimes marred by outright aggressive motions) and the sigh's aggressive passivity. First time around, the ballet was not terrifying enough. Second and third times around, the tension slackened. One reason is that the choreography for the door seems unfinished. Because the repetitions are not pronounced enough to make a dramatic point, it seems as though she does not have enough different things to do. Some of her arm motions look blocked, or not yet defined down to the fingernail. She is static, but not static enough. Once she begins to move so that the black cloth can rise into a mushroom cloud, her reign of terror falters. Part of the problem may be von Aroldingen's lack of focus; she does not draw the viewer's attention to any one part of her body to the exclusion of all other parts. In this particular ballet, where she must creak to the creakiest sounds you ever heard, her body lacks the wit Balanchine intended for her. Another cause of de-tension is the music, which being concrete, gives Balanchine no chance to play with it. He must either totally ignore it or become its slave. He chose the latter course, but the humor that develops from this relationship (as when for the umpteenth time von Aroldingen's arm mimics Henry's scrapings or when Clifford's nodding head mimics the boing-boings) is eventually self-defeating. If it does anything, Balanchine's choreography illuminates the silliness of this *musique concrète*, but I cannot believe that he would raise it from the grave just to give it another funeral. If that be the case, then *Variations for a Door and a Sigh* reaches into a blacker humor than I wish to acknowledge.

In thinking about the ballet, the only image that makes me want more of it is the frog dancing. The squat is truly shocking. Furthermore, in affirming that ugly is ugly, it unmasks the pretentiousness and sentimentality of the "ugly is beautiful" aesthetic. I wish the rest of the ballet were as frank as Clifford's solos, which he dances brilliantly and in full appreciation of their frankness, and I wish the whole thing were wilder, as visually cruel as it is intellectually cruel. Memories of the short-lived Balanchine-Schoenberg *Opus 34* (1954) are dim now, except for a half-realistic, half-phantasmagoric medical operation with real beds on wheels, patients who slid off the beds, and some slimy substance that slid over everything. Now that was a dazzling nightmare.

The Balanchine-Robbins *Firebird* is in a sorry state right now, bereft of dancing and dramatic content. On one Saturday afternoon, however, Jean-Pierre Bonnefous' performance as the prince magically cast a spell of meaning over the whole ballet. Walking with a Texan's swagger and all eager beaver for adventure, he played the prince as a male chauvinist pig. The choreography for the prince during his duet with the Firebird suggests that he be dazzled by the bouquet of red flowers she carries in her hand. Bonnefous took greedy swipes at them, and as for the bird herself, you knew he was thinking of duck soup. Although the Firebird is an extraordinary character, the prince was left totally untransformed and uneducated. The Firebird's subsequent action of helping the prince when he is attacked by local monsters thus took on a new meaning. She helped him not because of *his* courteousness or respect for her freedom but because of *her* goodness. For the first time the Fire-

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bird was not only noble but Christian, and as such took her place alongside the Don in Balanchine's quite personal interpretation of *Don Quixote*. The world has no use for Don Quixote and the Firebird because the world is trashy. Yet the Don and the Firebird persist, and therein lies the tragedy of the ballets. The sigh persists, and therein lies the comedy. In a social context the struggle is just; in an ontological one, foolish. That Balanchine makes one think is not as much to the point of his genius as what he makes you see and feel, but the way the thinking happens is lovely. In his ballets ideas crop up like weeds, as nature's unexpected gifts. □

THEATRE

HAROLD CLURMAN

The seed is a promise of fruit, but is not the same as the fruit. Chekhov's *The Wood Demon*, presented by the Actors Company at the Brooklyn Academy of Music, contains the seed of *Uncle Vanya*. In Broadway parlance, *The Wood Demon* "needed work." Chekhov did the work: *The Wood Demon* was written in 1889 and emerged as *Uncle Vanya* in 1899.

A comparison of the two plays should be most instructive to students of dramaturgy. Many of *Uncle Vanya*'s lines and several of its characters are to be found in the earlier "draft." But neither the characters nor the lines are sufficiently dramatized to exert the same effects as in *Uncle Vanya*. Some of them are funny, suggestive and piquant, but they are hardly conclusive.

The Wood Demon is diffuse. There is little structure to set off the significance and value of the material. Take, for example, the character of "Waffles," son of the former owner of the estate in which Voinitski (George in *The Wood Demon*, Ivan or Vanya in the later play) lives with his mother. In *The Wood Demon*, "Waffles" is only a loquacious fool who is given too many lines for the role he plays in the almost plotless proceedings. He has very few lines in *Uncle Vanya*, but he is a tender innocent unable to conceive of evil or to stand up against the shock of reality. Astrov in *Vanya* is a highly intelligent physician who wants to preserve the beautiful forests of the land—a man hurt by the sloth and indifference in the community in which he lives, yet unable to abandon hope in the future. An isolated intellectual, he appears a cynic on the surface, yet we recognize in him a hard worker building toward a better day. Khruschov, the "wood demon," Astrov's prototype, is a young doctor who merely rages at everyone and is more rough eccentric than creative force.

If *The Wood Demon* says anything at all, it is that Chekhov felt that everything in the Russia of his time was third-rate—both in its pleasures and in its misery—except perhaps the sporadic appearance within the general mediocrity of a few redeemable souls. In *Uncle Vanya* the negative aspects of the characters are seen in a much richer and broader context. Nearly all of them, even the selfish professor, have a sympathetic side, and their problem and destiny is to find a way to make life better, despite the suffocation of their society.

For all its humor, *The Wood Demon* is a confused and impatient expression of discomfiture. *Uncle Vanya* is mutely exalted: it reveals the struggle of good people to survive apparent hopelessness. George Voinitski, lost in a mess of circumstance (which Chekhov does not properly explain) kills himself; Ivan Voinitski in the later play ineptly and absurdly tries to shoot his nemesis, the professor, then forgives him, and carries on with the burden that his soft and kindly nature has imposed on him.

The Actors Company made its first appearance at the Edinburgh Festival in 1972. Its aim is to produce plays on a cooperative basis: its members choose the scripts and decide policy in common. With the aid of the Arts Council of Britain, they hope to maintain themselves as an ensemble group over a period of years. The company probably chose *The Wood Demon* as its initial offering here because it is a novelty—imagine an "unknown" Chekhov script—and because it provides juicy parts for almost everyone in the company.

The company as a whole makes a good impression: it is a genial group, animated, it is quite evident, by enthusiasm, mutual regard and commitment to its honorable objective. No "definitive" judgment can be pronounced on it until one has seen more of it in the subsequent productions of its Brooklyn Academy of Music season: *King Lear* and Congreve's *The Way of the World*.

The Wood Demon is staged by David Giles, a director of the company's choosing, with considerable fussy detail and little illumination of the essentials. There is a lot of "business," some of it engagingly cute, some misguided. The tempo is so rapid that episodes tumble one upon the other, the general intention, apparently, being to prove Chekhov lively entertainment. The keynote is a youthful gusto. There were moments when I felt like crying out, "What's the rush?"

Another item in the company's repertory is *Knots*, a series of schizophrenic sketches extracted from a book by R.D. Laing. I have not read the book, but the bits selected from this one-hour show are vaudevillesque turns based on things said by the mentally unbalanced, or on Laing's interpretation of what they feel. Thus:

Jill: You think I am stupid
Jack: I don't think you're stupid
Jill: I must be stupid to think you think I'm stupid if you don't; or you must be lying. I am stupid every way: to think I'm stupid, if I am stupid to think I'm stupid, if I'm not stupid to think you think I'm stupid, if you don't,

etc. etc.

The by-play—often with music—comprised of tap dancing, juggling, acrobatics and sundry "shtick" is often amusing, even when rather pointless, and very well done. The actors, *sans* make-up except for occasional masks, prove themselves agreeably versatile, and wholly amiable. One wants to know them better. We shall.

The point of *Lorelei*, a revised version of *Gentlemen Prefer Blondes* by Anita Loos and Joseph Fields, based on her novel, is Carol Channing (Palace). Some of the old numbers—*Little Rock* and *Diamonds Are a Girl's Best Friend* by Jule Styne and Leo Robin—are still in use in this revival; there are some new lyrics by Betty Comden and Adolph Green, but the point is still Carol Channing. If you don't "get her," you will find the evening a bust.

She is a brilliant clown, a zany whose antics mask almost as much pathos as they provoke laughter. The pathos, hidden or indirect, arises from a sense that a womanly will has triumphed over a feeling of disability or defeat. Perhaps she believed herself insufficiently attractive or "odd." But she has so much gumption and has developed so much skill that she fairly blazes fun. This, with the frequent stare or darkening of her eyes in bewilderment or sadness, touches the heart as her comedy tickles the ribs.

Channing has improved with the years to become, aside from the native endowment of her spirit, a technician of rare theatrical acumen. A consummate performer, she knows all the tricks of the trade. Stage novices might learn much from watching her, though what really affects us as spectators lies deeper than craft. □

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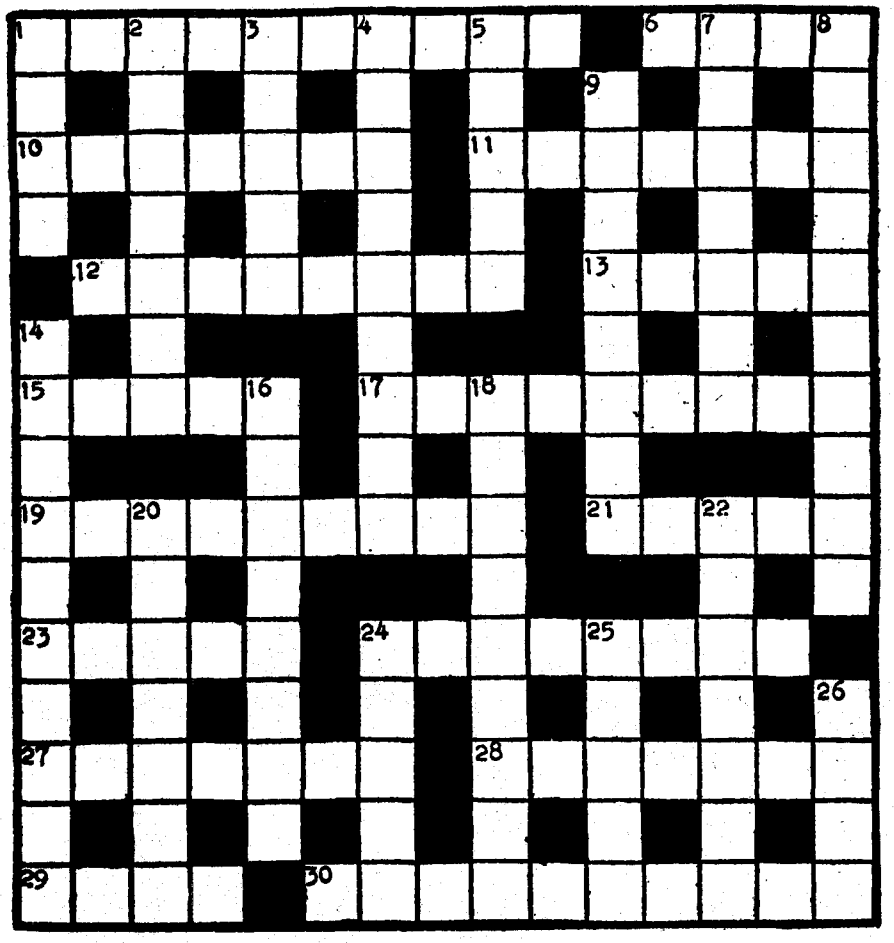
Crossword Puzzle No. 1525

FRANK W. LEWIS



ACROSS

1 Work details in the service? (4,6)
6 Country of Asia Minor. (4)
10 Had a few harsh words to say about the wicked-hearted leftist. (7)
11 All ready, and about to murder someone with a frying pan! (7)
12 Did Gray imply it was synonymous with "ignorant"? (8)
13 Agree to differ, with some enthusiam. (5)
15 There might be a number in one's arrangement of the kitchen equipment. (5)
17 Take a turn for the worse, meeting a friend, obviously. (9)
19 Sort of glad it's good old me inside to take it first! (4,5)
21 and 23 Would one describe it as the owner's shell, even though it's barely progressive? (6,4)
24 Fixes up the inside surface again, making it rather quiet in farm machinery. (8)
27 The part you see is fractional, but there's a comic end to the bird's return. (7)
28 It could be thrust upon a reformed doubter. (7)
29 It might be classic, even if one's broken. (4)
30 Have second thoughts about putting it into the side corner? (10)

DOWN

1 See 3 down
2 A famous cutter put in here, but such biographies are up to the French. (7)
3 and 1 down Shoots something like "Hit the Deck", with part of the cast being present. (4,5)
4 Befriended all but the first, and gave a new meaning to the translation. (9)
5 Canvas support. (5)
7 Not well put to equal French without the law. (7)
8 It might be 50 or 60, if electrical, but more probably it's gas-driven. (10)
9 Weapons reds brought into 6 in the revolution. (8)
14 Costing one some trouble, especially if in the lungs? (10)
16 Smiled self-consciously. (8)
18 Such a shot isn't really close. (9)
20 Featured articles referring to great men? (7)
22 What many electrical appliances have stranded? (7)
24 The folk hero, Guevara, was evidently a rascal at heart. (5)
25 The tops of pastries? (5)
26 Once to listen, twice to applaud. (4)

SOLUTION TO PUZZLE NO. 1524

ACROSS: 1 Ideal; 4 Cold packs; 9 Scintilla; 10 Rivet; 11 Trousseau; 13 Strong hand; 17 Run aground; 21 Newer; 22 Petit four; 23 Elite; 24 Alongside; 25 Falseness; 26 Stead. DOWN: 1 Insets. 2 Editor; 3 Latest; 4 Collection plate; 5 League of Nations; 6 Periwigs; 7 Civil war; 8 Set aside; 14 and 12 Prince of Wales; 15 In a whirl; 16 Aggrieve; 18 Stages; 19 Novice; 20 Friend.

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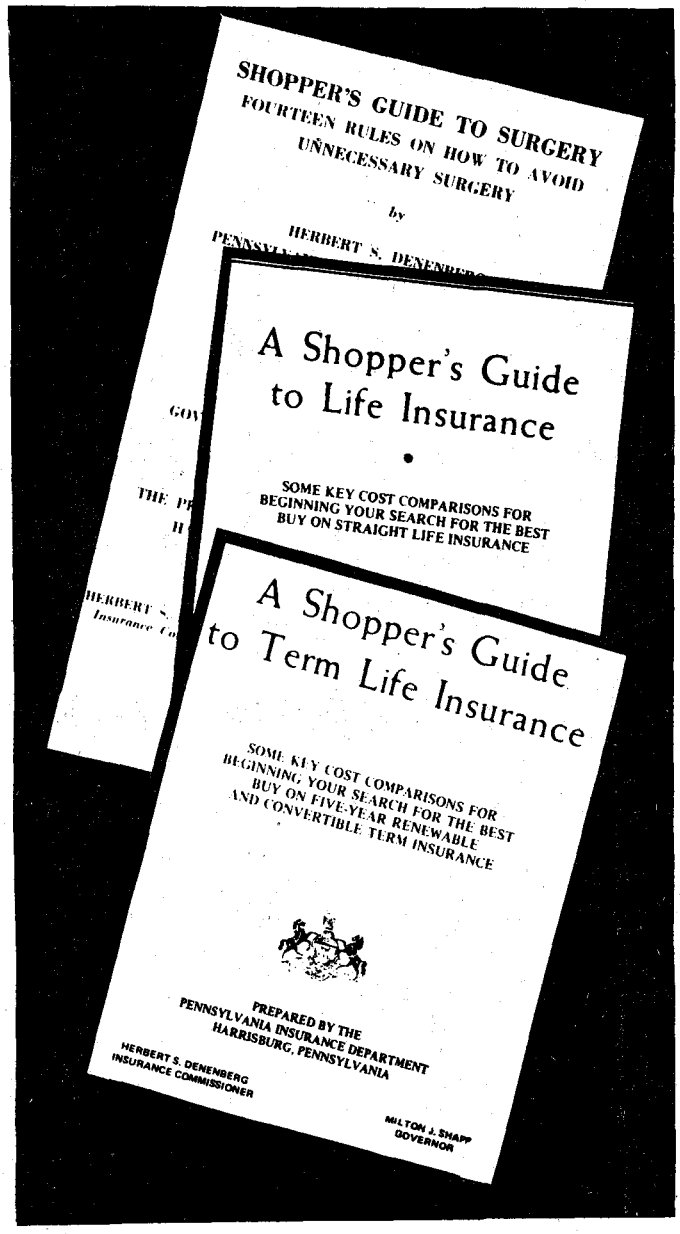
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